

Survey of the Administration of Military Justice

2003					
Number of Respondents	Mail	On-Line	Total	% of Total	% On-Line
Accused	46	94	140	15.7%	67.1%
Assisting Officer	46	182	228	25.5%	79.8%
Presiding Officer	50	130	180	20.2%	72.2%
Commanding Officer	10	143	153	17.1%	93.5%
Review Authority	2	5	7	0.8%	71.4%
Charging Authority	28	157	185	20.7%	84.9%
Total	182	711	893	100.0%	79.6%

2002					
Number of Respondents	Mail	On-Line	Total	% of Total	% On-Line
Accused	16	41	57	7.2%	71.9%
Assisting Officer	36	148	184	23.3%	80.4%
Presiding Officer	40	143	183	23.2%	78.1%
Commanding Officer	21	153	174	22.1%	87.9%
Review Authority	3	9	12	1.5%	75.0%
Charging Authority	31	148	179	22.7%	82.7%
Total	147	642	789	100.0%	81.4%

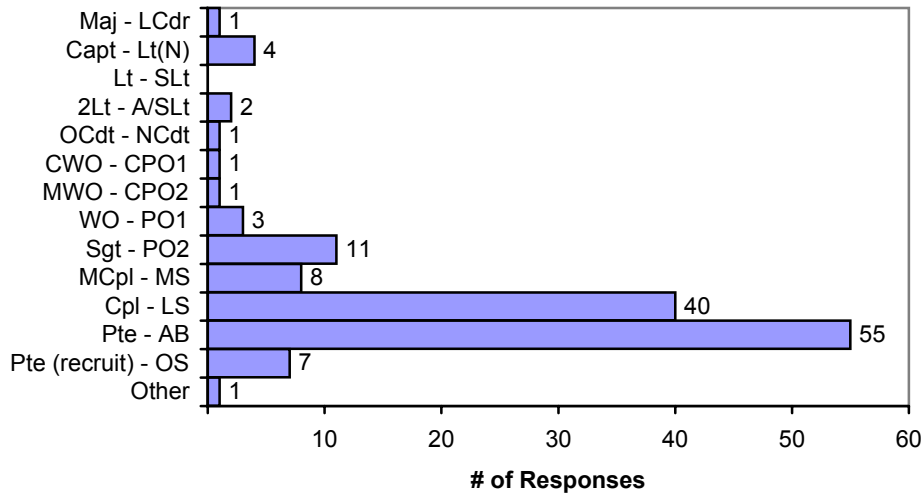
2001					
Number of Respondents	Mail	On-Line	Total	% of Total	% On-Line
Accused	15	58	73	9.5%	79.5%
Assisting Officer	22	169	191	24.8%	88.5%
Presiding Officer	31	220	251	32.6%	87.6%
Commanding Officer	27	205	232	30.2%	88.4%
Review Authority	4	18	22	2.9%	81.8%
Total	99	670	769	100.0%	87.1%

Accused

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2003	46	94	140	32.9%	67.1%
2002	16	41	57	28.1%	71.9%
2001	15	58	73	20.5%	79.5%

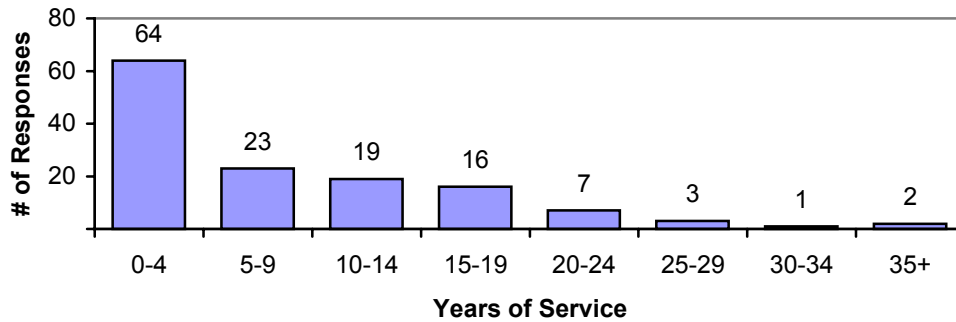
Section 1: Profile

1. What is your present rank?



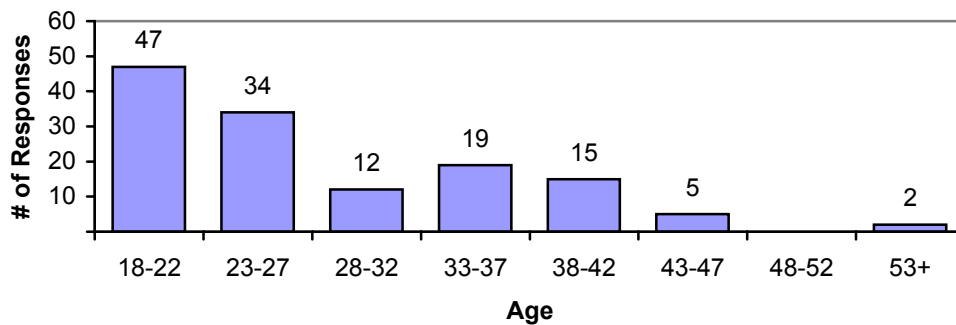
		2001	2002	2003
Sr Officers	Maj - LCdr	1.4%	0.0%	0.7%
Jr Officers	Capt - Lt(N)	1.4%	8.0%	3.0%
	Lt - SLt	4.2%	0.0%	0.0%
	2Lt - A/SLt		4.0%	1.5%
Subr Officers	OCdt - NCdt	4.2%	8.0%	0.7%
NCM	CWO - CPO1	1.4%	0.0%	0.7%
	MWO - CPO2	0.0%	2.0%	0.7%
	WO - PO1	1.4%	4.0%	2.2%
	Sgt - PO2	16.9%	12.0%	8.1%
	MCpl - MS	19.7%	4.0%	5.9%
	Cpl - LS	29.6%	40.0%	29.6%
	Pte - AB	16.9%	16.0%	40.7%
	Pte (recruit) - OS			5.2%
Appointments	Other	2.8%	2.0%	0.7%
		(n=71)	(n=50)	(n=135)

2. How long have you been a member of the Canadian Forces?



	2001	2002	2003
0-4	29.6%	28.0%	47.4%
5-9	9.9%	24.0%	17.0%
10-14	19.7%	16.0%	14.1%
15-19	21.1%	8.0%	11.9%
20-24	12.7%	14.0%	5.2%
25-29	4.2%	10.0%	2.2%
30-34	2.8%	0.0%	0.7%
35+			1.5%
	(n=71)	(n=50)	(n=135)

3. How old are you?



	2001	2002	2003
18-22	16.9%	30.0%	35.1%
23-27	16.9%	20.0%	25.4%
28-32	11.3%	10.0%	9.0%
33-37	26.8%	14.0%	14.2%
38-42	21.1%	16.0%	11.2%
43-47	4.2%	10.0%	3.7%
48-52	2.8%	0.0%	0.0%
53+			1.5%
	(n=71)	(n=50)	(n=134)

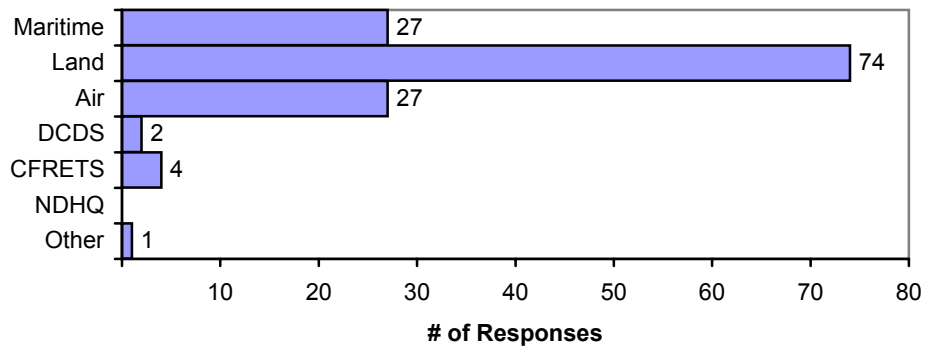
4. Are you:

	2001	2002	2003
Male	91.4%	92.0%	93.3%
Female	8.6%	8.0%	6.7%
	(n=70)	(n=50)	(n=135)

5. What is your first official language?

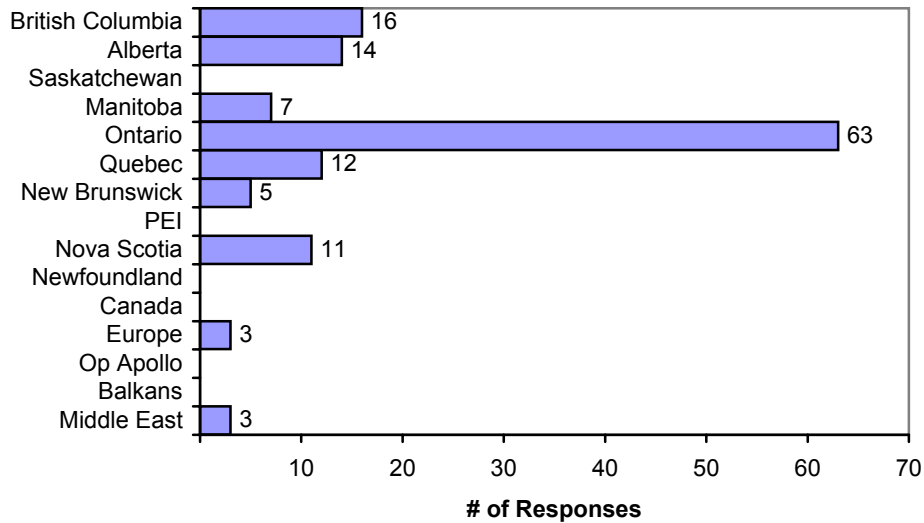
	2001	2002	2003
English	76.1%	58.0%	83.7%
French	23.9%	42.0%	16.3%
	(n=71)	(n=50)	(n=135)

6. In which element/organization are you presently serving?



	2001	2002	2003
Maritime	29.0%	18.0%	20.0%
Land	42.0%	40.0%	54.8%
Air	15.9%	32.0%	20.0%
DCDS (Deployed Operations)	0.0%	0.0%	1.5%
CFSTG (Training)	8.7%	10.0%	3.0%
NDHQ	4.3%	0.0%	0.0%
Other	0.0%	0.0%	0.7%
	(n=69)	(n=50)	(n=135)

7. In what province (if in Canada), nation or area of operations (if outside Canada) is your unit currently located?



	2001	2002	2003
British Columbia	25.4%	8.0%	11.9%
Alberta	16.9%	6.0%	10.4%
Saskatchewan	1.4%	0.0%	0.0%
Manitoba	0.0%	4.0%	5.2%
Ontario	28.2%	34.0%	47.0%
Quebec	15.5%	22.0%	9.0%
New Brunswick	1.4%	4.0%	3.7%
PEI	0.0%	0.0%	0.0%
Nova Scotia	7.0%	10.0%	8.2%
Newfoundland	0.0%	4.0%	0.0%
Canada		2.0%	0.0%
Europe			2.2%
Op Apollo		2.0%	0.0%
Balkans	4.2%	2.0%	0.0%
Middle East	0.0%	2.0%	2.2%
	(n=71)	(n=50)	(n=134)

Section 2: Process

1. Did you request a specific Assisting Officer?

	2001	2002	2003
Yes	55.6%	47.4%	37.9%
No	44.4%	52.6%	62.1%
	(n=72)	(n=57)	(n=140)

>>> Go to C

1.a) **If you answered "yes" to Question 1, did you receive the Assisting Officer of your choice?**

	2001	2002	2003	
Yes	80.0%	74.1%	73.6%	>>> Go to C
No	17.5%	25.9%	26.4%	
No Response	2.5%	0.0%	0.0%	
	(n=40)	(n=27)	(n=53)	

2. **If you answered "no" to either Question 1 or Question 1.a, was an Assisting Officer assigned to you?**

	2001	2002	2003	
Yes	89.7%	97.3%	96.0%	>>> Go to C
No	7.7%	2.7%	2.0%	
No Response	2.6%	0.0%	2.0%	
	(n=39)	(n=37)	(n=101)	

2.a) **If you answered "no" to Question 2, why not?**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- I actually wasn't going to take the Officer that I was offered. They told me that I wasn't allowed to have the choice, but, I knew different. However, when I found out who my Assisting Officer was, I had no problems whatsoever with the choice.
- I was assigned an assisting Officer. However I had to nag the system for one. I was told that its hard to find an Officer qualified in Cold lake to represent me. That was there excuse for postponing my request. WO XXXXX, was the only one who supported me. He was told by his CWO (XXXXX) that he will not be given time to help me, for thats the job of the assisting Officer.I then requested to have WO XXXXX as my Assisting Officer and he was rejected, for thats when my Officer (XXXXX) said that they have one lined up for me.CWO XXXXX was best friends with my CWO (XXXXX), and very well knew that I did not have an assisting officer. WO XXXXX, helped me during his own time, but was soon charged by CWO XXXXX. I feel, that WO XXXXX was charged because he helped me out. Its easy for a CWO to find other reasons for a charge.
- A non operational busy work schedule prevented the Officer from accepting.
- I don`t care
- It was in 1975. The process was different then, either in fact or in practise. I believe a character witness was provided.
- I didn't know anybody.

3. **Were you offered the choice to be tried by Court Martial?**

	<u>2001</u>	<u>2002</u>	<u>2003</u>	
Yes	54.2%	68.4%	46.4%	
No	44.4%	31.6%	53.6%	>>> Go to C
No Response	1.4%	0.0%	0.0%	
	(n=72)	(n=57)	(n=140)	

3.a) **If you answered "yes" to Question 3, were you given sufficient time to consult a lawyer about whether you should choose to be tried by Summary Trial or by Court Martial?**

	<u>2001</u>	<u>2002</u>	<u>2003</u>	
Yes	80.0%	84.6%	76.9%	>>> Go to C
No	15.0%	10.3%	20.0%	
No Response	5.0%	5.1%	3.1%	
	(n=40)	(n=39)	(n=65)	

3.b) **If you answered "no" to Question 3.a, did you ask for more time?**

	<u>2001</u>	<u>2002</u>	<u>2003</u>
Yes	0.0%	0.0%	23.1%
No	85.7%	100.0%	69.2%
No Response	14.3%	0.0%	7.7%
	(n=7)	(n=4)	(n=13)

4. **Prior to the Summary Trial, were you given access to all the evidence that would be used against you in your Summary Trial, and informed of all the witnesses who would testify against you?**

	<u>2001</u>	<u>2002</u>
Yes	70.8%	77.2%
No	26.4%	22.8%
No Response	2.8%	0.0%
	(n=72)	(n=57)

Prior to the Summary Trial, were you given access to all the evidence that would be used against you in your Summary Trial?

	<u>2001</u>	<u>2002</u>	<u>2003</u>
Yes			83.6%
No			14.3%
No Response			2.1%
			(n=140)

4.a) **Prior to the Summary Trial, were you informed of all the witnesses who would testify against you in your Summary Trial?**

	2001	2002	2003
Yes			82.1%
No			16.4%
No Response			1.4%
			<i>(n=140)</i>

4.b) **Were you given access to all the information you thought relevant to the charges against you?**

	2001	2002	2003
Yes	80.6%	80.7%	81.4%
No	19.4%	17.5%	16.4%
No Response	0.0%	1.8%	2.1%
	<i>(n=72)</i>	<i>(n=57)</i>	<i>(n=140)</i>

4.c) **If you answered "no" to either Question 4, 4.a or 4.b, please explain.**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- Prior to the charge being laid, I wasn't asked for a personal statement on my behalf
- 1 - only much later after been found 'guilty' did I learn that my charge was even electable
 - 2 - my assisting officer might as well have been the prosecutor for all the 'damaging' help he provided
 - 3 - I was not allowed to question the witnesses
 - 4 - I was not briefed on ANYTHING
- plusieurs preuve no pas ete divulge et on ete pris pour le verdict
- Written evidence was entered, but I was never given opportunity to 'question' these written testimonies.
- Its a very complicated issue. However, I have all records on file. I am willing to give what I have to any evaluator if need be.
- I felt there was midigating info that the co would'nt let me use because he felt it was of no importance.
- The CWO who laid the charge was also the investigating Officer and I was a WO at the time of the charge. Once he had decided to submit a charge, this enabled him to:
 - a. dedicate approx 6 to 8 weeks to examine and study QR&O's in order to find a suitable charge;
 - b. seek legal and professional advise regarding the approach to the matter (in searching for a charge that would produce a guilty verdict);
 - c. determine the most suitable charge where a guilty verdict would be successful;
 - d. interview witnesses regarding the incident without their knowledge that a pending charge would be laid;
 - e. allowed him to mislead the witnesses regarding the premise

- of the circumstance surrounding the charge;
- f. allowed him to interview witnesses under the guise of my direct supervisor while hiding the fact that he was the investigating Officer gathering information, which allowed him to provide witnesses with false and misleading information surrounding the circumstances by acting as a concerned supervisor who cared about his subordinate. Thereby causing the witnesses to formulate wrong conclusions, and opinions regarding my actions. This included experts such as my Doctor who in turn divulged protected patient information under the impression that they were talking with my direct supervisor;
 - g. he provided false information to witnesses in order for them to formulate negative opinions regarding my actions and thereby unknowingly making false statements;
 - h. this then, enabled him after approx two months and just prior to Christmas leave of 2001, lay a charge.

Regarding my access to witnesses, once I had received the charge, I was at first unaware that any of the witnesses had been previously interviewed, and did not understand why they would not provide me with a statement nor discuss the matter with me. They never discussed it with my Assisting Officer either as it turned out, he only spent 15 minutes with me prior to attending the trial. Because of the block leave, I was unable to prepare for a trial set for early spring of 2002.

So, as to question 4 and 4a) I was not aware of all the witnesses who participated through statements, nor who the witnesses (with the exception of one) would be at the trial.

I discovered at the trial that because the investigating Officer was the same CWO who laid the charge, that some evidence presented at the trial pertained to events that occurred weeks and months after the alleged date of my wrong doing.

I requested after to have the verdict reviewed on e-mail, but was never provided the time or resources to pursue a review, so I feel I was denied this right as well.

The whole circumstance was started because I informed the CWO that he was harassing me by changing my dental appointments without consulting me as to the nature and seriousness of the appointments, so he had me charged with Quarrelling. One of approx 4 charges where there is no right to choose Court Martial. The circumstance is much more involved, but difficult to articulate through this means in a little box on a questionnaire, where I cannot submit all supporting docs and evidence.

With regards to question 12, I requested a review, but was not provided the means to administer it. Therefore I feel I was denied this right.

- much of the information used in summary trial was not relevant
- I was not given access to disclosure.
- this is unrelated, to question #4 but the only space available for comments.
WRT Question #12
due to xmas block leave the time period to review my trial had expired.
and get this, the presiding officer himself recommended that I review his
judgement. ?????
- I asked to be shown my div notes and that was not made possible...even
though I was told it could be..
- Question 4 the evidence used against me was an NIS report, which was read
over to me by my assisting officer. I do not recall having a chance to sit
down and read it entirely.
Question 4a A person that was party to the offence I was convicted on
testified against me and it was shown he was untruthful during proceedings.

- I was trying to get unit security orders and could not get a copy in time. I still
can not.
- just told to read the papers
- Things were different then
- It is normal for the charging authority to withhold info on evidence so that
the conclusion of the summary trial is exactly what the CO desires.
- being my first accused, details of rights and responsibilities were not
explained clearly enough.
- There were no witnesses and I was guilty so I did not need any information
- I feel some of the information was kept away or made to disappear so as not
to incriminate the Mcpl. recommending the charge.
- Les accusations ecrite ne refletais pas ce qui c'est reellement passe
- The only evidence during my trial was a written statement from my accuser.
- Was not given any specific references to prepare a case, charge article did
not entitle me to courts martial (129.a)
- My charge was done very quickly, I never had much time to look at evidence.
- Requesting personal piles can prove to be more problematic

5. **Did you choose to be tried in your first official language?**

	2001	2002	2003	
Yes	91.7%	86.0%	93.6%	>>> Go to C
No	8.3%	14.0%	5.0%	
No Response	0.0%	0.0%	1.4%	
	(n=72)	(n=57)	(n=140)	

5.a) **If you answered "no" to Question 5, why not?**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- it was easier in english.
- je n'etais pas desavantager par l'anglais
- To make the procedures go quicker and to not sture "shit". I was told to make it easier for the ship not to do it in my official language, and that I would be reprimanded more severely if I were to make it harder for them. They then tried to reassure me that it was an option for me to do it in my official language.
- Because the people running the trial were not fluent in french.
- on ne ma pas donne le choix juste assiste
- Bilingue
- I am fluent in both english or french it makes no difference to me.

6. **Did you ask for a lawyer to represent you at your Summary Trial?**

	2001	2002	2003
Yes	6.9%	3.5%	6.4%
No	91.7%	93.0%	92.9% >>> Go to C
No Response	1.4%	3.5%	0.7%
	(n=72)	(n=57)	(n=140)

6.a) **If you answered "yes" to Question 6, was your request granted?**

	2001	2002	2003
Yes	40.0%	50.0%	33.3%
No	60.0%	50.0%	44.4%
No Response	0.0%	0.0%	22.2%
	(n=5)	(n=4)	(n=9)

7. **When the evidence against you was presented at your Summary Trial, were you or your Assisting Officer permitted to question each witness?**

	2001	2002	2003
Yes	79.2%	73.7%	76.4%
No	18.1%	22.8%	20.0%
No Response	2.8%	3.5%	3.6%
	(n=72)	(n=57)	(n=140)

8. **Answer only if you were found guilty. Were you or your Assisting Officer given the opportunity to present evidence and make arguments to the Presiding Officer to be considered in reducing the severity of the sentence?**

	2001	2002	2003
Yes	72.2%	77.2%	77.1%
No	15.3%	12.3%	13.6%
N/A (found not guilty)		5.3%	
No Response	12.5%	5.3%	9.3%
	(n=72)	(n=57)	(n=140)

9. **Do you agree with the following statement: "My Assisting Officer was helpful throughout the Summary Trial process"?**

	2001	2002	2003
Strongly Agree	36.1%	45.6%	38.6%
Agree	43.1%	31.6%	37.9%
Disagree	8.3%	15.8%	9.3%
Strongly Disagree	6.9%	5.3%	12.9%
No Response	5.6%	1.8%	1.4%
	(n=72)	(n=57)	(n=140)

10. **Did you know that you could request a review of the Presiding Officer's decision at a Summary Trial?**

	2001	2002	2003
Yes	47.2%	47.4%	45.0%
No	52.8%	50.9%	54.3% >>> Go to C
No Response	0.0%	1.8%	0.7%
	(n=72)	(n=57)	(n=140)

11. **If you answered "yes" to Question 10, how did you find out (Check one) ?**

	2001	2002	2003
Assisting Officer	50.0%	40.7%	58.7%
Presiding Officer	5.9%	7.4%	3.2%
Commanding Officer	2.9%	7.4%	1.6%
Other	20.6%	44.4%	27.0%
No Response	20.6%	0.0%	9.5%
	(n=34)	(n=27)	(n=63)

12. **Did you request a review of the outcome of the Summary Trial?**

	2001	2002	2003
Yes	5.6%	7.0%	5.0%
No	93.1%	89.5%	93.6% >>> Go to I
No Response	1.4%	3.5%	1.4% of Section
	(n=72)	(n=57)	(n=140)

12.a) **If you answered "yes" to Question 12, was the request for review based on the sentence, the findings or both?**

	2001	2002	2003
Sentence		50.0%	0.0%
Findings		0.0%	42.9%
Both		50.0%	42.9%
No Response		0.0%	14.3%
		(n=4)	(n=7)

12.b) **If you answered "yes" to Question 12, did you ask for someone to be appointed to assist you in submitting your request for Review?**

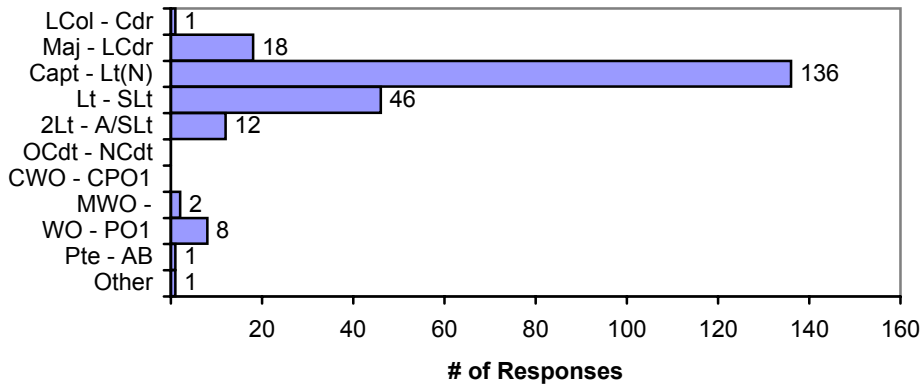
	2001	2002	2003
Yes	4.2%	0.0%	71.4%
No	23.6%	100.0%	28.6%
No Response	72.2%	0.0%	0.0%
	(n=72)	(n=4)	(n=7)

Assisting Officer

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2003	46	182	228	20.2%	79.8%
2002	36	148	184	19.6%	80.4%
2001	22	169	191	11.5%	88.5%

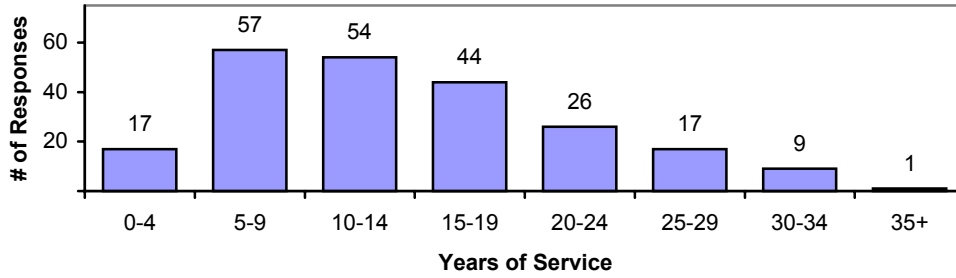
Section 1: Profile

1. What is your present rank?



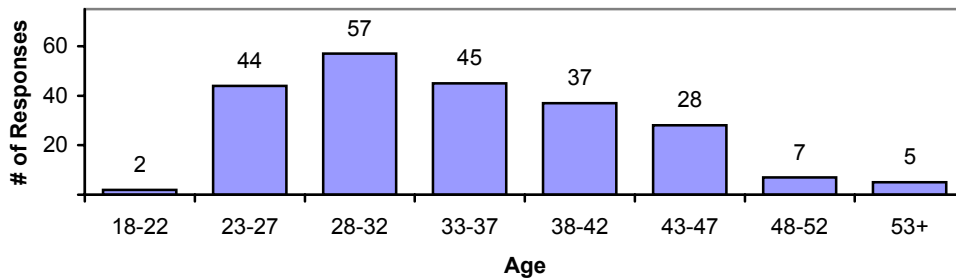
		2001	2002	2003
Sr Officers	LCol - Cdr	0.0%	1.1%	0.4%
	Maj - LCdr	6.8%	13.1%	8.0%
Jr Officers	Capt - Lt(N)	55.3%	63.9%	60.4%
	Lt - SLt	28.4%	12.6%	20.4%
	2Lt - A/SLt		2.7%	5.3%
Subr Officers	OCdt - NCdt	0.0%	0.0%	0.0%
NCM	CWO - CPO1	2.1%	0.5%	0.0%
	MWO - CPO2	2.6%	2.7%	0.9%
	WO - PO1	4.2%	3.3%	3.6%
	Pte - AB	0.5%	0.0%	0.4%
Appointments	Other	0.0%	2.0%	0.4%
		(n=190)	(n=183)	(n=225)

2. How long have you been a member of the Canadian Forces?



	2001	2002	2003
0-4	3.2%	2.7%	7.6%
5-9	18.5%	18.0%	25.3%
10-14	31.7%	25.1%	24.0%
15-19	19.6%	24.0%	19.6%
20-24	11.6%	13.7%	11.6%
25-29	9.5%	8.7%	7.6%
30-34	4.2%	7.1%	4.0%
35+	1.6%	0.5%	0.4%
	(n=189)	(n=183)	(n=225)

3. How old are you?



	2001	2002	2003
18-22	2.1%	0.0%	0.9%
23-27	17.4%	16.4%	19.6%
28-32	24.2%	19.7%	25.3%
33-37	19.5%	20.2%	20.0%
38-42	17.4%	19.1%	16.4%
43-47	11.1%	15.8%	12.4%
48-52	7.9%	6.0%	3.1%
53+	0.5%	2.7%	2.2%
	(n=190)	(n=183)	(n=225)

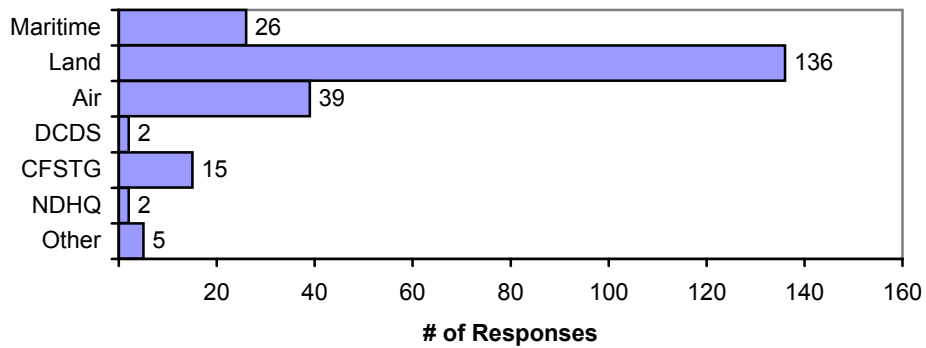
4. Are you:

	2001	2002	2003
Male	88.4%	93.4%	89.3%
Female	11.6%	6.6%	10.7%
	<i>(n=190)</i>	<i>(n=183)</i>	<i>(n=225)</i>

5. What is your first official language?

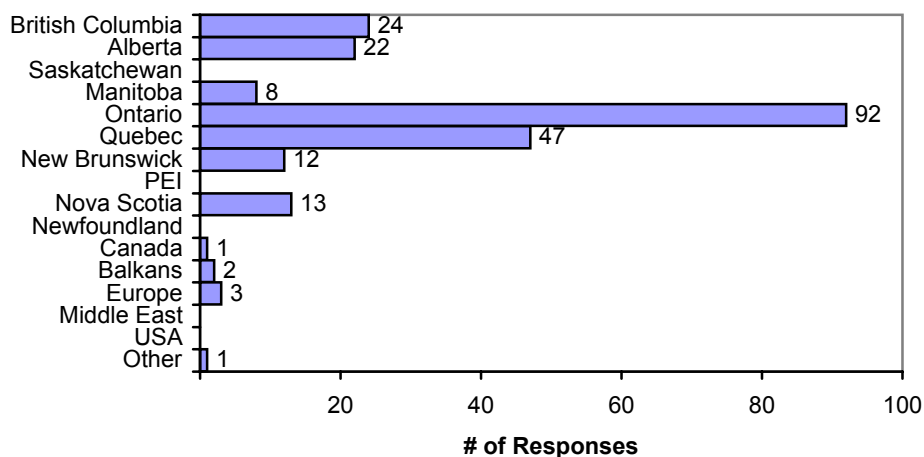
	2001	2002	2003
English	68.9%	74.9%	71.1%
French	31.1%	25.1%	28.9%
	<i>(n=190)</i>	<i>(n=183)</i>	<i>(n=225)</i>

6. In which element/organization are you presently serving?



	2001	2002	2003
Maritime	17.4%	10.9%	11.6%
Land	49.5%	59.0%	60.4%
Air	13.7%	14.2%	17.3%
DCDS (Deployed Operations)	1.6%	0.0%	0.9%
CFSTG (Training)	13.2%	0.0%	6.7%
NDHQ	1.6%	1.1%	0.9%
Other	3.2%	1.1%	2.2%
	<i>(n=190)</i>	<i>(n=183)</i>	<i>(n=225)</i>

7. In what province (if in Canada), nation or area of operations (if outside Canada) is your unit currently located?



	2001	2002	2003
British Columbia	15.8%	7.7%	10.7%
Alberta	7.9%	12.0%	9.8%
Saskatchewan	1.1%	0.0%	0.0%
Manitoba	2.1%	3.3%	3.6%
Ontario	34.2%	41.0%	40.9%
Quebec	21.1%	16.9%	20.9%
New Brunswick	6.8%	7.1%	5.3%
PEI	0.5%	0.0%	0.0%
Nova Scotia	6.3%	5.5%	5.8%
Newfoundland	1.1%	1.6%	0.0%
Canada			0.4%
Balkans	1.6%	3.3%	0.9%
Europe	1.6%	0.0%	1.3%
Middle East	0.0%	1.1%	0.0%
USA	0.0%	0.5%	0.0%
Other			0.4%
	(n=190)	(n=183)	(n=225)

Section 2: Process

1. To the best of your knowledge, did the Accused you assisted receive all the information relied on as evidence at his or her Summary Trial, as well as any other information that was available and tended to show that the Accused did not commit the offence charged?

	2001	2002	
Yes	95.3%	97.3%	>>> Go to (
No	4.2%	2.2%	
No Response	0.5%	0.5%	
	(n=191)	(n=184)	

To the best of your knowledge, did the Accused you assisted receive all the information relied on as evidence at his or her Summary Trial?

	2001	2002	2003
Yes			96.4%
No			3.6%
No Response			0.0%
			(n=225)

- 1.a) To the best of your knowledge, did the Accused you assisted receive all the information that was available and tended to show that the Accused did not commit the offence charged?

	2001	2002	2003
Yes			83.6%
No			16.4%
No Response			0.0%
			(n=225)

- 1.b) If you answered "no" to Question 1 or 1.a, please explain.

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- In the investigation that was conducted that lead to the charge (and thus summary trial), the member was never asked for a statement for his side of the story, nor were there statements from the "innocent" side of the incident.
- Some documents that were used were not shown to the accused beforehand, even after I met with the coxn and received other documents.
- The accused did receive all the evidence and it showed he DID commit the offence charged
- Accused received all information available, but it all tended to prove their guilt - they later admitted to all particulars.

- This question makes no sense because the accused did receive all info available but it tended to show that the accused did commit the offence charged. Therefore I answer YES the accused receive all information available and NO that it tended to show that the accused did not commit the offence charged.
 - The accused did commit the offence and there existed no evidence to the contrary.
 - He pleaded guilty
 - The Accused has just recently been charged and has not yet been informed as to where he is to appear for his election.
 - All information inferred that the accused did commit the service offence
 - Member was AWOA. There was no evidence except for the absence
 - No, they received all of the info, but the info did not exonerate them.
 - The accused did not receive a copy of the MP report.
 - The member did commit the offence. Our concern was reducing the punishment.
 - To the best of my knowledge, the Accused I assisted received all the information that was available. However, all the information showed that the Accused did indeed commit the offence charged, as he himself admitted.
-
- 1.a) On a refusé de remettre copie du rapport de police militaire à l'accusé. Après négociation, on lui a permis d'y avoir accès pour consultation.
 - 1.b) Dans un autre cas, on a tenté de présenter en preuve seulement les déclarations de témoins sans que ceux-ci n'aient été cités au procès niant ainsi la possibilité de l'accusé de les contre-interroger et ce, malgré la mention de leur présence dans la procédure écrite. Ce n'est qu'après insistance que l'on a assigné les témoins.
-
- It was a show trial - they should have simply 'marched the guilty bastard in' for all the difference it would have made...
 - There was no doubt that the accused had committed the offence with which he was charged as it was an ND, there were numerous witnesses, as well as self-admission by the accused
 - The accused admitted guilty.
 - Trial surrounded abuse of telephone privileges to Canada from BiH. Felt that the relevance of information pertaining to the tracking of the phone charges was not fully revealed.
 - All the information was available but the incident was captured on video tape, which clearly showed that the accused was guilty
 - The evidence usually showed the accused's guilt.
 - The accused admitted guilt for the offence.
 - The accused was guilty of the offence.
 - Accused pleaded guilty and even if he hadn't, I am not a lawyer. I looked in the references noted in the assisting officer's guide but I have no idea if there is other information available.

- The Accused was guilty by admission, and there was no evidence to the contrary.
- AWOL He was guilty
- The accused pleaded guilty.
- received all the information (mitigating circumstances) but did commit the offence.
- He received everything, but he was pleading guilty, so it didn't "tend to show" re: he didn't do it.
- L'accusé était coupable et toutes les preuves étaient contre lui. Il restait à déterminer la gravité de la sentence.
- there was NIL information available that "tended to show the accused did not commit the offences ..."
- Infraction mineure ou l'accusé a tout de suite admis les faits.
- Information received usually points out their guilt (i.e., charge sheet, witness reports, etc.)
- The evidence was straight forward - the accused had a high likelihood that he committed the offence.
- L'incident dont il était question avait des témoins.
- I observed conversations with the Presiding Officer and a witness that dealt with the trial and not made available to all concerned.
- The evidence & witness statements clearly indicated the accused was at fault

- The accused admitted to the charge and there was no evidence that he did not commit the charge (AWOL)

2. **Was the Accused offered the choice to be tried by Court Martial?**

	2001	2002	2003	
Yes	70.7%	72.8%	58.7%	
No	27.7%	26.6%	40.4%	>>> Go to C
No Response	1.6%	0.5%	0.9%	
	(n=191)	(n=184)	(n=225)	

2.a) **If you answered "yes" to Question 2, did you explain to the Accused the differences between Summary Trial and trial by Court Martial?**

	2001	2002	2003	
Yes	97.8%	93.3%	98.5%	>>> Go to C
No	1.5%	2.2%	0.8%	
No Response	0.7%	4.5%	0.8%	
	(n=135)	(n=134)	(n=132)	

2.b) **If you answered "no" to Question 2.a, please explain why.**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- I was not the one to offer him/her the choice and she/he already know the difference.

2.c) **In your opinion, was the Accused given sufficient time to consult a lawyer before choosing between Summary Trial or trial by Court Martial?**

	2001	2002	2003	
Yes	71.7%	91.8%	93.9%	>>> Go to C
No	2.1%	5.2%	4.5%	
No Response	26.2%	3.0%	1.5%	
	(n=191)	(n=134)	(n=132)	

2.d) **If you answered "no" to Question 2.c, please explain what happened and what, if anything, you did to remedy the situation.**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- We were overseas and the JAG had to return home for personal reasons. The accuse had access to a JAG at NDHQ by telephone only.
- L'accusée n'a pu opter pour le procès par voie sommaire ^puisque le délai de prescription était passé. Le cas a été porté en cour martiale mais les accusations ont tombé avant que le procès n'ai lieu.
- Member elected court martial, was promptly told he would not receive a court martial, and to 'change' his mind and reconsider... not surprisingly, mbr then asked for Summary Trial.
- Accused elected for summary trial. No lawyers involved.
- The accused was told that he was being charged and not really given adequate time to talk to a lawyer about the differences between the two choices. I, as the presiding offr was not to clear myself and had to look up the references in a hasty timeline. I passed on a web site to the accused, so he could better peruse the info on his own time.
- Je lui ai explique la difference entre les deux type depuoces.

2.e) **Was a lawyer contacted about the choice to proceed by Summary Trial or Court Martial?**

	2001	2002	2003	
Yes	24.6%	39.6%	32.6%	
No	49.7%	53.7%	56.8%	>>> Go to C
Don't Know		4.5%	9.1%	>>> Go to C
No Response	25.7%	2.2%	1.5%	
	(n=191)	(n=134)	(n=132)	

2.f) **If you answered "yes" to Question 2.e, was a military or civilian lawyer consulted?**

	2001	2002	2003
Military	85.1%	84.9%	86.0%
Civilian	8.5%	13.2%	7.0%
Don't Know		0.0%	7.0%
No Response	6.4%	1.9%	0.0%
	(n=47)	(n=53)	(n=43)

3. **Did you inform the Accused that he or she could request a review of the outcome of the Summary Trial?**

	2001	2002	2003
Yes	77.5%	84.2%	86.7%
No	22.5%	15.2%	12.0%
No Response	0.0%	0.5%	1.3%
	(n=191)	(n=184)	(n=225)

>>> Go to C

3.a) **If you answered "no" to Question 3, why not?**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- Unnecessary to do so. The outcome was known as he was admitting to the ch
- I was under the impression that the results of a summary trial could not be appealed. Would that not be the same as reviewed? In any case, the accused was found guilty and subsequently went AWOA again. Accused is still missing.
- Because he pleaded guilty to the offence.
- Member admitted to all the particulars of the charge and wanted to put the incident behind him.
- Wasn't necessary
- Because the Accused pleaded guilty
- IL A ACCEPTÉ SA SENTENCE
- news to me...
 - or if you prefer, I do not have any training in being an assisting officer, and thus had not idea this was the case...
- For the first summary trial in question, and I have been assisting officer at several, the member indicated the intent to admit to the charges before the trial, and expressed satisfaction with the result of the trial. When I began to explain the options for seeking a change in the decision, I was told "I just want to put this behind me and carry on." The individual was a member in my Battalion, and I spoke with him on several occasions afterwards, and he never indicated that he had changed his mind on the outcome of the trial. Had he expressed such a change of mind, I would have explained the review process.
 - Years prior, before the review process was in place, I would explain the process to appeal a decision.
 - There are two trials I am not sure about, as I spoke to the member about the appeals process, but it was in the summer of 2000 and I think that by then the new review process was in place. I was Assisting officer for two summary trials at that time, both found guilty. I spoke to both about appeals, and neither was interested. I cannot say for sure, but I believe that had I ment of appeal, the two soldiers would still have accepted the original summary trial decision.
- The Accused had indicated that they had no intention of disagreeing with the findings of the Summary Trial.
- Did not know that such an option was available.

- There was no need in this case as most charges were thrown out and the accused agreed to the particulars of the other charge
- Did not know they had that option.
Not even sure what that entails.
- Omission
- He was found not guilty
- Unsure
- That was not mentioned in the responsibilities of the Assisting Officer in the CFAOs.
- Mbr pleaded guilty
- the accused confessed to the charge and was prepared to accept the consequences.
- The accused was found not guilty.
- I did not realise that there was such a process.
- Accused admitted to short comings in the particulars.
- Accused admitted to and just wanted to put it behind him and move on with h
- Did not think about mentioning that. Plus, the accused knew that what he had done was wrong (agianst a QRNO article) and know that there were consequences to his actions.

4. Did the Accused ask to be represented by a lawyer at the Summary Trial?

	2001	2002	2003	
Yes	1.0%	1.6%	0.4%	
No	97.9%	98.4%	97.3%	>>> Go to C
No Response	1.0%	0.0%	2.2%	
	<i>(n=191)</i>	<i>(n=184)</i>	<i>(n=225)</i>	

4.a) If you answered "yes" to Question 4, was the request granted?

	2001	2002	2003
Yes	50.0%	66.7%	0.0%
No	50.0%	33.3%	100.0%
No Response	0.0%	0.0%	0.0%
	<i>(n=2)</i>	<i>(n=3)</i>	<i>(n=1)</i>

5. When the evidence against the Accused was being presented at the Summary Trial, were either you or the Accused permitted to question each witness?

	2001	2002	2003
Yes	92.7%	94.0%	94.2%
No	2.6%	5.4%	4.9%
No Response	4.7%	0.5%	0.9%
	<i>(n=191)</i>	<i>(n=184)</i>	<i>(n=225)</i>

6. **Was the Accused found guilty?**

	2001	2002	2003	
Yes	87.4%	91.8%	87.6%	
No	7.3%	7.1%	11.6%	>>> Go to C
No Response	5.2%	1.1%	0.9%	
	(n=191)	(n=184)	(n=225)	

6.a) **If you answered "yes" to Question 6, did you help the Accused present argument or evidence in mitigation (factors relevant to reducing the severity of the sentence or punishment)?**

	2001	2002	2003	
Yes		87.0%	81.7%	>>> Go to C
No		4.7%	5.6%	
N/A (no argument or evidence presented)		4.1%	7.1%	>>> Go to C
No Response		4.1%	5.6%	
		(n=169)	(n=197)	

6.b) **If you answered "no" to Question 6.a, why not?**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- Aucune explication
- Because the accused was content with the sentencing
- Member had no evidence to present. It was the member's 6th time in a short period of time with the same charge and also has one charge still pending court martial.
- We investigated various avenues to aide in reducing the the severity of the punishment; however we were unable to find legitimate evidence to support his claim.
- il ne valait pas la peine d'argumenter
- Accused admitted guilt and wanted to prolong preceedings no longer than necessary.
- In each of iterations that I functioned as an Assisting Officer the accused chose to plead guilty to the charges.
- The accused and I spoke at length before the trial. He had a prepared statement which he read during the summary trial. Nothing else needed to be said.
- The accused plead guilty and did not want the offered help.
- The accused presented his "argument" (excuse circumstances) himself. I don't have to speak unless the accused, for whatever reason, needs help or asks me to speak.

7. **Did the Accused specifically ask for you to be his or her Assisting Officer?**

	2001	2002	2003
Yes	48.7%	40.8%	30.2%
No	40.3%	44.6%	59.1%
Don't know	10.5%	14.7%	10.2%
No Response	0.5%	0.0%	0.4%
	(n=191)	(n=184)	(n=225)

8. **Please indicate which of the following training resources you used to prepare for your role as an Assisting Officer (Check all that apply) ?**

	2001	2002	2003
Presiding Officer Certification Training		35.3%	28.9%
Unit Discipline Training		25.0%	0.0%
Guide for Accused & Assisting Officer		78.8%	86.0%
Other (e.g. aide-memoire)			48.7%
None of the Above		10.3%	3.1%
No Response		0.0%	1.8%
		(n=184)	(n=228)

9. **Do you think that your assistance to the Accused was effective?**

	2001	2002	2003
Yes	92.1%	89.7%	90.4% >>> Go to C
No	0.5%	2.7%	3.5%
Don't know	6.3%	5.4%	4.4% >>> Go to C
No Response	1.0%	2.2%	1.8%
	(n=191)	(n=184)	(n=228)

9.a) **If you answered "no" to Question 9, why not?**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- These summary trials are kangaroo courts. Everybody is always guilty or they wouldn't bother going through the hassle of charging them in the first place.
- Could have been better. I was appointed at the last minute and did not have much time to get prepared. This was also my first experience.
- I did not know that the witness was going to say that basically he was not guilty of the charge as written, before the mbr pleaded guilty. It was in mrb's best interest to plead guilty or he was going to be charged with more serious crimes if he didn't play ball.
- 1 - WHAT 'Guide for Accused and Assisting Officer'?!?!?
2 - refer to number 1
3 - I have no training in these matters, and I get the distinct impression that regardless of what I say or present that it makes absolutely no difference, and the decision is predetermined before either I or the accused enters...

- What seemed like very valid reasons for having the charges dismissed (PTSD) were ignored by the Officer Presiding.
- The accused was a sergeant with more time in the service than I have. He read the same information I did. My presence seemed to be a formality.
- Against my advice the accused insisted on making a self incriminating statement that could have resulted in him facing more serious charges.
- On est plus qu'un avocat qu'un officier aidant, surtout dans le cas ou l'accusé est jeune et nouveau dans le système militaire. On devient un avocat dans le sen ou on doit connaître les lois & règlements et les (trucs) pour pouvoir bien aider l'accuse.

10. **What type of training would you recommend as helpful in performing your functions as Assisting Officer?**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- 1. Someone who is to be an assisting officer should have at least observed an actual summary trial.
- 2. A half day course/seminar would help to clarify the duties of an assisting officer.
- The guide to the assisting officier should be readily available when tasked to be an assisting officer. It was not easy to download it from the JAG site.
- Formation d'officier président
- Experience in the Summary Trial process in one capacity or another is invaluable to helping the accused.
- Seulement le fait de lire un document concernant le sujet et de parler avec ses pairs serait déjà un excellent début. Ensuite, produire une vidéo pour les FC et la distribuer dans les unités, car plusieurs sont plus visuels.
- Aucune
- 1. One day training course for all officers.
- 2. Periodic review of guide and real life examples that demonstrate the effectiveness of a good assisting officer.
- The situation at my unit is that there are some fairly common offences -- we have come up with an in-house guide for procedures to follow in these situations that crop up again and again.
- Un cours de rafraichissement.
- An understanding of how a presiding officer determines guilt and a corresponding degree of punishment (if accused found guilty).
- The more often you are an Assisting Offr the better you get at it. I do believe that POCT would be beneficial for all Captains.
- Only for appointed Assisting Officer to review applicable CFAO and the Assisting Officer's Handbook.
- Read the presiding Officer certification training and make it mandatory to sit in on at least one trial before becoming an assissting Officer
- I used the QR&O that was helpful. The manual is consise and therefore useful.

- Current Presiding Officer Training needs to be expanded to cover anyone who may be involved with the administration of Summary Trials, to include, Commanding Officers, Presiding Officers, Delegated Officers, Assisting Officers, RSMs, and unit Adjutants.
- There should be some type of actual trg, along the lines of "Assisting Officer Certification Training".
- Assisting Officer Certification Training should be required by all officers.
- Unit or Base Trg.
- Une formation général qui explique le processus du procès par voie sommaire. Les droits du président du procès. Les recours possible de l'accusé si le Cmdt désigné abuse de ses droits durant le procès ou lorsque l'accusé décide de prendre la cours martiale (rapatriement). Les références disponibles etc.
- A specific Assisting Officer crse would be beneficial to present to junior officers of a Regiment.
- It is important to remember that the summary trial is generally about giving a clearly guilty member the chance to explain circumstances. It is therefore important for an assisting officer to be realistic in his appraisal of the possible outcomes - we are not lawyers and should not try to be. There should be no attempt by assisting officers to play on technicalities or legal mumbo-jumbo in an attempt to win an acquittal. Such only infuriates the presiding officer and makes everyone pissed off. It should be clearly understood by an assisting officer that his role is advisory. This is often forgotten, I think.
- Assisting officers should have the same training as presiding officers.
- Read and understand all avail material and attend at least one or two trials as an observer.
- Presiding Officer Trg gave me the most applicable information
- Presiding Officer Course
- Assisting officer guide is already a good tool. I do not think further training is required.
- Formal training which discusses trends in sentencing and how mitigating circumstances affect sentencing.
- none
- The Presiding Officer's course is extremely useful. Other than that unit level Junior Officer training (professional development) also prepared me extremely well for the duties. Finally, as a Cadet at RMC the use of the summary trial system under what at the time was CADWINs also served as a very useful introduction. I have acted as Assisting Officer at numerous trials during my career.
- Must read the CFAO on Summary Trials
- training on how the charge is written.

- All officers should be given an Assisting Officer's course, as is done for presiding officers. This would give a base with which to start and also stop the "Matlock Syndrome" in which some officers try to get the accused off on a technicality and end up missing important aspects that should be passed on. It is my understanding an assisting officer is just that, there to assist the accused.
 - Assisting Officer course.
 - More formal disciplinary training
 - Presiding Officer's Course, and OPMEs based on Mil Law
 - Presiding Officer Certification Training is the ideal resource and in my opinion (I've been a unit Adjt and Bde G1), this training should be mandatory for all CF officers as part of Basic Military Officer Qualification.
-
- The "Revised Guide for Accused and Assisting Officers" is an excellent start. From there guidance through the QR&O's, and NDA. I feel knowledge of the presiding officer's duties would be beneficial in ensuring due process as well.
 - A mock trial as a part of their basic training.
 - Presiding Officer Certification Training
 - a course similar to the Presiding Officer's Course
 - I believe the Guide is sufficient (along with "coaching" provided by more experienced officers)
 - Role-playing in a "mock" summary trial before participating in an actual Summary Trial
 - Anything that helps you to view things objectively.
 - Cours de justice militaire
 - Presiding Officer Certification Training
 - Formal Unit Training as an assisting officer
 - none
 - None. The trg recieved plus the guide was more than sufficient.
 - Follow a course or briefing prior would be good. It was the fifth time I was assisting officer so I pretty much knew where I was going and what I needed to do.
 - Presiding Officer training aided me in knowing what to expect and allowed me to best represent the accused. I believe that this would be the same for any young officer, and suggest that Presiding Officer Training be given to the greatest number of CF members.
 - The POCT was very useful to me as a perspective assisting officer. Unfortunately I received this training after acting as an assisting officer. I believe that I was able to adequately serve the interests of the accused however I do not feel that I had all the tools available at the time. Had I the opportunity to turn back the clock I feel that I would change the way I approached the trial. At the time it was a matter of luck as much as anything else that the skills I had were sufficient.
 - Presiding Officer course

- Include assisting officer training in final phase of career courses (Ph IV).
- Current naval officer training contained within divisional training system is sufficient.
- Une formation additionnelle sur les points suivants:
 - L'application des règles de justice naturelles au procès sommaire comme la présomption d'innocence, l'absence de partialité, l'intention coupable...;
 - Objection possible à l'admission de la preuve obtenue en contanvention de la charte;
 - Les perquisitions, le prélèvement de fluides corporels;
 - l'enjeu de la Cour Martiale: la représentation par avocats lors de cas ambigües;
 - La présence ou l'absence de fondement juridique soutenant les infractions reprochées;
 - La comcomittance des procédures administratives comme facteur atténuant lors de la considération de la sentence;
 - L'interdiction des consensus à huis-clos et hors de la présence de l'accusé pour par exemple les représentations sur sentence;
 - La recevabilité de la preuve par ouï-dire.
 - absence des témoins au procès sommaire et admissibilité d'une déclaration écrite sans possibilité de contre-interroger;
 - Le droit de garder le silence

Finally, many points can be deepened. However, it is important to keep in mind that the designated officer is not the guardian of the quality of the procedure but I think that these are essential notions to consider for the preparation of a good defense or for having the best chances of success in revision.

- Formation pour la certification d'Officier président
- PEMPO Droit militaire et formation sur les devoirs et responsabilités de l'officier désigné
- Have taken the presiding officers training
- lire les document est suffisant
- Explanation of what is expected of the assisting officer - the guide for accused and assisting officer is good but it does not explain how the trial will take place, what type of things an assisting officer might say to aid in determining the sentence(financial background, family restrictions, etc.).
- Suivre la totalité ou des partie de la formation de officiers présidents.
- Those courses listed at question 8 above
- 1 journée maximum de formation
- A semi-formal Assisting Officer crse such as the presiding offices trg. Basic officer and trades trg does not prepare you for being an AO. One should study the trial system prior to being assigned an AO.
- Formation d'officier désigné
- I recommend that a competent officer who is familiar with the duties of the assisting officer provides some initial (informal) training to junior officers when they arrive at the unit.

- My background and training was totally sufficient to perform the duties of assisting officer. As a MARS Officer I was required to perform these duties on a regular basis.
- un petit cours avec un aide-mémoire à conserver
- POCT, practice training examples.
- Off the top of my head... how about an assisting officers course? No wait, that would make too much sense... and place me on relatively equal knowledge footing with those accusing and presiding.
- Attendance of the "Presiding Officer Certification Training" would have better prepared me to assist the mbr.
- I found the Presiding Officer training valuable
- Visionnement du déroulement d'un procès par voie sommaire et formation préparatoire pour officier désigné.
- JAG to come and visit the units and give "SOPs" on does and don'ts for assisting officers
- The role of assisting officer should be included in DP 1 training for officers, in addition to the standard military law package. All junior officers joining units should be prepared to act in this role to guarantee effective advice to the accused.
- There should be a formal Assisting Officer Aide-memoire that covers all aspects of the Summary Trial / Court Martial proceedings and is issued to every officer, or is an easily avail resource
- Assisting officer course
- Presiding Officer Course
- Des cours à l'unité
- Professional development training through the use of guest lecturers and accumulation of personal experience by witnessing/assisting in the justice system at all levels.
- Aucune, le guide suffit.
- Presiding Officer Training
- There is already enough material available. Once appointed as an Assisting Officer (AO) it becomes the individual responsibility to become familiar with the duties of an AO.
- QR&O's, Guide to Accused and AO. Seeking advice of more experienced.

- UP TO DATE GUIDE OR AIDE MEMOIRE AVAIL TO MBRS VIA COXN, RSM, XO, OR DCO. I HAD TO USE MY OWN RESOURCES NONE WERE AVAIL AT UNIT.
- Emphasis on the ability to analyze and debate; You become a defacto trial lawyer without any training other than your rank; What you learn comes from experience
- Presiding Officer training, and maybe some more trial attendance as observer
- I have long felt - Units should make a concerted effort to have jr offr sit in as observers in summary trials
- The completion of the Military Law OPME would give a good basis to Powers of Punishment and Duties of an Assisting Officer.

- I think that there is sufficient information in QR&Os and augmented in the Guide for Accused and Assisting Officer. I don't think additional training would be required. However, a hot-line/e-mail service to answer questions posed by Assisting Officers may be useful in helping to clarify some points.
- Je crois qu'il faut avoir une formation en droit militaire plus poussé sur le sujet.
- Practical exercises would prove beneficial. Mock trials would integrate role-playing so that when the real thing occurs, it runs more smoothly.
- Distribution of an official assisting officer's aide-memoire would be helpful.
- The Guide for Accused and Assisting Officer should be readily obtainable. Some mention should be made in The Guide to the value of mitigating circumstances.
- Incorporate a one day seminar regarding the role and responsibilities of Assisting Officer in all Officer MOC Phase 4 training plans. Include an aide memoire such as the guide available on the JAG website in electronic or hard copy as the JAG site is not reliable for downloading information.
- Part of Phase IV should contain a package on the Duties of an Assisting Officer.
- POCT or AO oriented trg based on POCT, e.g. UDT.
- All Officers should undergo the Presiding Officer certification trg earlier or in an abbreviated form. While the Guide for the Accused and Assisting Officer is a good reference not many accused nor many assisting officers understand the process through which the presiding officer must go to make his/her determination.
- More Professional Development Trg at unit level
- Have someone who knows MIL Law help you out. A lot of charges can be beat by an assisting officer who know the QR&Os. Almost always the charge as outlined on the charge sheet is not applicable or simply wrong
- Guide for assisting officer are very helpful. This should be easy and concise
- La formation pour la certification d'officier président
- As with any Summary Trial, you should try and get to know the accused and their motivations and the applicable rules/regs and SOPs. No formal trg, just do your home work and be prepared, that's the best advice.
- A simple, one day course for all subbies, since subbies are usually the prime choice for AOs.
- The certification training was perhaps of the most value since was detailed and ensured a thorough understanding of the process.
- Access to a current version of "Guide for Accused and Assisting Officer" is sufficient

- - all officers should take a specific course to be an assisting officer
 - the course should include practical training, participate in a mock summary trial
 - the training should not be too early in an officer's career because it will not be as effective. The junior officer has very little experience and it would be most effective after the individual has served in an operational unit, not just in the training system
 - But the course should be near the beginning of an officer's employment at an operational unit because more and more junior officers are being tasked with assisting officers duties with little training and knowledge of the subject
 - only those who have taken the course should be assisting officers
 - if there are courses like this then the information is not being communicated effectively to everyone because I know of no such course
 - being assigned the task, I had to do a great deal of research to ensure I performed my duties to the best of my ability. There could have been something I missed and I wouldn't know.

- Presiding Officer Training
- I would recommend that all assisting officers take the Presiding Officer Certification course. It is very helpful and would ensure that the accused gets the best possible assistance.
- Des exemples de procès sur vidéo avec plusieurs cas particuliers. J'ai reçu la formation avec un aide mémoire et les réf, mais il est important d'acquérir une certaine expérience et ce n'est pas en faisant un procès en trois ans que tu te sens bien en confiance avec une telle situation. Donc, il est important d'avoir une variété de cas types à notre disposition - Vidéo ou des écrits.

- Presiding Officer Certification training
- Le cours sur la justice militaire.
- Presiding Officer's Course
- I recommend that future AO's understudy an AO and attend a trial prior to representing an accused at trial.
- Une révision annuelle d'une vingtaine de minute sur les devoirs d'un officier désigné, ce qui ne se fait pas présentement à notre unité.
- An accurate, up to date, CF aide Memoire for assisting officers pushed to sub unit level
- This role should be a specialty secondary duty with a formal training course. I was given this duty in addition to my others and I don't feel I had time to go through all the documentation in as much detail as I would have liked. In my case the member had already decided to plead guilty but I still feel I should have been more familiar with the proceedings etc.
- Formal trg- self taught course or package that all Assisting o' s must perform before they can assist

- I believe all members, who could serve as an Assisting Officer attend the Presiding Officers course. It provides them with a much greater detailed understanding of the process that they will be involved in. Therefore they will better understand the system and be able to provide better info to an accused.
- Presiding Officer Course so i could know exactly what is being done wrong if any irregularities occurs.
- Presiding Officer trg
- Briefing d'un JAA sur les tâches d'un officier désigné.
- Existing trg sufficient and JAG pers have always been available to assist. A general observation that this survey supposed that I have only assisted once in the time frame. I have in fact assisted numerous times but have not filled this out for each one. So to answer question 7 correctly, I have been requested specifically about 50% of the time.
- POCT
- Any training with regards to being an assisting officer.
- A specific JAG briefing on the duties of an Assisting Officer with a Q&A period.
- Incorporate Assisting Officer training in Officer Phase training. This will at the very least open the eyes of the young officers and let them know that a publication on how to be an assisting officer exists.
- A quick 1/2 day information course as to the exact details that an assisting officer is responsible for.
- Unit run PD sessions would be sufficient
- BOTC (for direct entry officers) and training at RMC in the fourth year (for ROTP) should provide training on the specific duties of an assisting officer. Having Assisting Officer training at BOTC for ROTP officers is useless because it would be up to 4 years before they would use it.
- 1) une formation d'une journée, avec un retour d'une demi journée par année
2) Plus de facilité à trouver les documents pertinents sur internet (liens directs à partir de www.dnd.ca ou du site du JAG).
- Presiding Officer Certification Training
- A solid understanding and familiarity of B-GG-005-027/AF-011 "Military Justice at the Summary Trial Level".
- Military Law training and Presiding Officer Training.
- An explanation of the role of the assisting officer should be part of Basic Officer training as we will mostly likely fill that role should one of our soldiers be charged.
- Course on your role as assisting officer (some form of certification). No more than 2 days long.
- Officer Phase Trg should include some practical Trg to better prepare Jr. Officers in the conduct of Summary. Trial
- A Q&A period with the local JAG, or a briefing or formal lecture. Q&A would probably be best.
- formation sur les procès sommaires.

- An afternoon seminar and aide-memoire when you enter the unit.
- practical training
- The QR&O's provide ample instruction to be able to perform the summary trial.
- Jump course.
- ensure that OPDP program and Basic Officer Training contains modules on Summary Trial procedures from the perspective of the accused(detail), assisting officer (detail) and the trial process (detail). Duties of the presiding officer should be covered in broad terms in BOTC and detail in OPDP.

- More Professional development training on the military justice system
- A national run course for junior officers on how to participate and administrate trials and summary investigations etc
- Presiding Officer Certification
- Training to be an assisting officer should be offered intergral to the first exposure officers have to staff training of any kind (as previously done with a junior officers' staff course), or in initial trades training. For NCOs, career courses at the appropriate level seem to suffice. The "Guide" is an invaluable resource.
- The Presiding Officer Course
- Having completed the Presiding Officer's course made being an Assisting Officer much easier. A similar content and format of training should be put in place for assisting officers.
- A more in depth study of a "mock Trial" scenario on phase training.
- The QR&O and CFAO are very helpful but it should be accompanied with a briefing from the presiding officer (assuming he/she has already been an assisting officer) on the procedure and should or should not do... A formal course given at the Lt level would be very beneficial.
- read the accused and assisting officer book. Maybe a 2-3 day course on the subject would have been beneficial. Fortunately I had a very simple straight forward situation where the accused admitting the wrong doing.
- Self study of QR&Os / Presiding Officer / JAG web site
- none
- Trg sponsored by JAG on rights and duties of Assisting Officers.
- OJT is the best, although first-time assisting officers should receive guidance in their role by those more experienced. Other than that, they should be provided with the Guide for Assisting Officers as well as access to the Presiding Officers' Manual in order to fully understand their individual responsibilities wrt the trial process. It should be also be made fully clear to the Assisting Officer that he or she is not the defender of the Accused, but is an agent of military justice.
- Perhaps a short course advising you of the legal process and your responsibilities in that regard, especially as a newly commissioned officer. The guide was very useful but I was only told about it mid-way through the process.

- Dans le cours de Procès par voie sommaire, ajouter une journée de formation qui incluerait une démonstration d'un procès par voie sommaire. Merci de votre attention.
 - Aucune. Les procédures et documents actuels sont suffisants
 - I have had training as an Assisting Officer through the NOPME course. It would have been useful to participate in simulated summary trials during that course followed by a critique by an instructor.
 - Le concept d'officier désigné crée des injustices purs qu'il y en a des excellents ou très expérimentés et des sans expérience ou sans intérêt pour ce type de tâche. Un bon off. de si réussira à faire annuler l'accusation, alors qu'un moins bon ne réussira rien. On nous demande de presque de remplir rôle d'avocat alors que nous sommes formés pour toute autre chose. Les plus mal pris dans cette situation sont les accusés qui ont souffert de l'incompétence, du manque d'expérience ou du manque d'intérêt de l'officier qui lui a été assigné. Une formation d'avocat serait nécessaire, mais je ne voudrais absolument pas l'avoir. Il y a des formations spéciales qui sont données en harcèlement et qui durent des jours. Ces gens deviennent des spécialistes dans un domaine précis, contenant des choses potentiellement graves. Mais quand vient le temps de dépendre un militaire accusé parfois de choses graves, on donne la tâche de le conseiller au premier venu. Je ne fais pas seulement le cachet, être assigné comme officier désigné est presque une punition. Ça n'intéresse personne, on n'a pas la formation, et on a autre chose. La solution ? Il n'y en a pas on continue, comme ça, et on accepte que nos militaires subissent les effets de notre manque de connaissance/d'expérience/d'intérêt pour bien les aider dans un moment difficile.
-
- During phase training run practice summary trials.
 - Read through the regulations and your responsibilities. Nothing else need be added to the process.
 - Presiding Officer training - letter knowledge base required to fulfill role as Junior Officer regardless of rank.
 - Cours à distance (internet) avec possibilité d'accéder à un site intranet après le cours pour avoir accès à l'information la plus à jour possible.
 - Read the Guide. Enlist help of an experienced CFO if required. (I participated with a role playing exercise (Sumui Trial) on a Cox'n Course. I don't know how effective it was to my learning.
 - I thought the unit training was extremely beneficial because we had it just prior to several charges and all the subbies got a practical after.
 - Annual training at unit level.
 - POTC
 - la formation d'Officer President.
 - Ensure resources are available and training on where to find them. Aide-memoires are excellent.
 - Presiding Officer's training.
 - Celle présente est efficace.

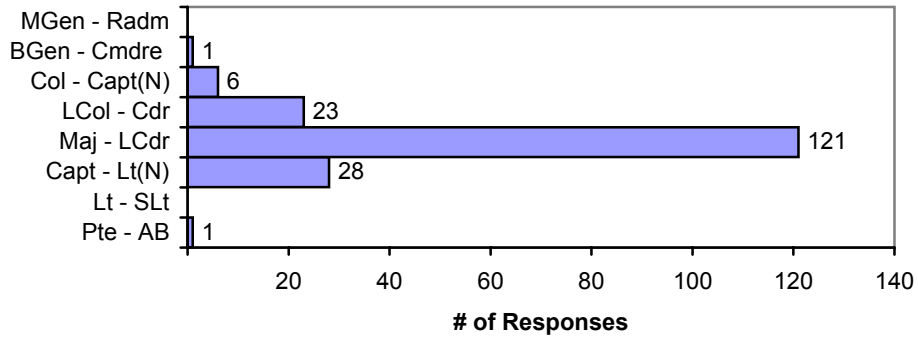
- A yearly refresher would help to keep the pers current.
- In unit briefing to all potential assisting officers.
- Briefing a cet effet par la JAG de la garnison de Valcartier.
- Je l'ai aide a interoger des temoins potentiel et lui est suggetrer de qu'elle facon il deraitin se conduire et comment le proces par voie sommaire fonctionneitur.
- Requiring INR officers to assist an "assisting officer" as well as attend several summary trials beforehand ...
- Cours d'officier president aide beaucoup puisque le guide n'explique que l'essential pour l'accuse.
- Presiding off course.
- A video going over the complete Summary Trial process would be useful to assist in explaining the procedures to the accused.
- Re-open staff school for junior officers and put this topic on curriculum.
- Presiding Officer Training (Scaled Down Version)
- All three as indcated in Serial 8 above.
- Presiding Officer certification.
- Une formation pendant le BOTC2.
- Perhaps a video covering the guide for accused and assisting officer.
- The Presiding Officer course should be mandatory for anyone who may be Assisting Officer as well as Presiding Officer. Assisting Officer become "defence lawyers".
- Je ne sais pas
- None
- Attendance at a few summary trials
- De l'experience
- Review of case studies avail, It is nice to have the book, but case studies would illustrate how & what can happen
- An actual crs vice having to read the package at the last minute.
- Along with the Guide for Assisting Officer a FAQ sheet or even a short self-study package that highlights pertinent points. These could be tailored to what the charge is.
- Unit disciplines training
- Class environment training. A two day course explaining the proceedings and your responsibilities followed by a few more trials.
- Basic Law Course
- A short course (1-2 day) in which prospective A. O. 's could receive lectures/advice from a MIL Legal Officer
- Practice makes you good I think. So I would say a lecture on the subject and the chance to try it out with students in the classroom (scenario).

Presiding Officer

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2003	50	130	180	27.8%	72.2%
2002	40	143	183	21.9%	78.1%
2001	31	220	251	12.4%	87.6%

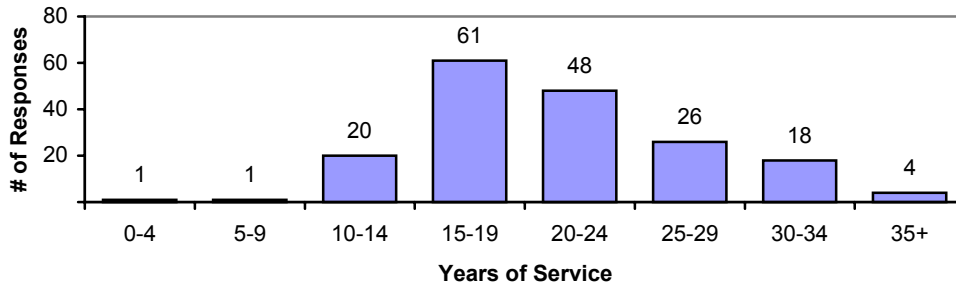
Section 1: Profile

1. What is your present rank?



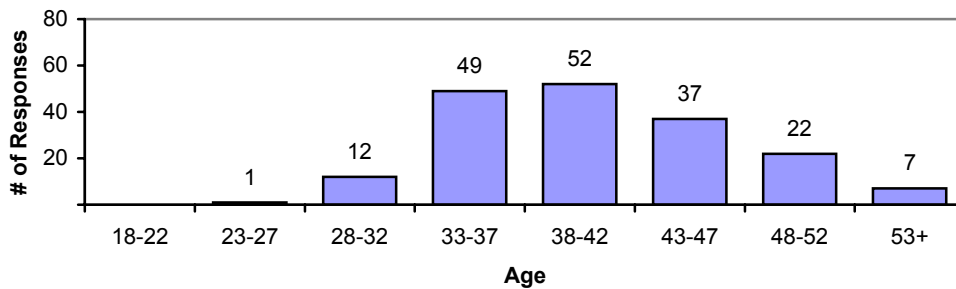
		2001	2002	2003
Gen'l/Flag Officers	MGen - Radm	0.0%	1.1%	0.0%
	BGen - Cmdre	0.4%	1.1%	0.6%
Sr Officers	Col - Capt(N)	0.0%	4.9%	3.3%
	LCol - Cdr	19.8%	18.7%	12.8%
	Maj - LCdr	61.3%	63.7%	67.2%
Jr Officers	Capt - Lt(N)	17.3%	10.4%	15.6%
	Lt - SLt	0.8%	0.0%	0.0%
NCM	Pte - AB	0.4%	0.0%	0.6%
		(n=248)	(n=182)	(n=180)

2. How long have you been a member of the Canadian Forces?



	2001	2002	2003
0-4	0.8%	0.0%	0.6%
5-9	0.8%	0.5%	0.6%
10-14	12.1%	8.8%	11.2%
15-19	32.3%	38.5%	34.1%
20-24	31.0%	22.0%	26.8%
25-29	14.9%	19.8%	14.5%
30-34	6.5%	6.6%	10.1%
35+	1.6%	3.8%	2.2%
	(n=248)	(n=182)	(n=179)

3. How old are you?



	2001	2002	2003
18-22	0.4%	0.0%	0.0%
23-27	1.2%	0.5%	0.6%
28-32	6.9%	2.2%	6.7%
33-37	25.4%	30.8%	27.2%
38-42	36.3%	27.5%	28.9%
43-47	17.3%	26.4%	20.6%
48-52	9.7%	8.8%	12.2%
53+	2.8%	3.8%	3.9%
	(n=248)	(n=182)	(n=180)

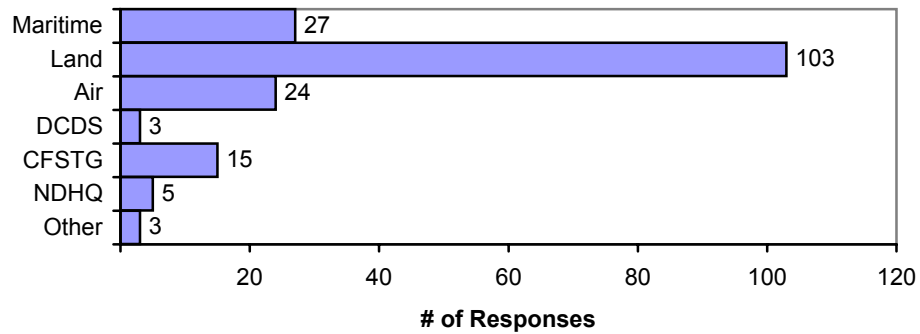
4. Are you:

	2001	2002	2003
Male	96.8%	95.1%	95.0%
Female	3.2%	4.9%	5.0%
	<i>(n=248)</i>	<i>(n=182)</i>	<i>(n=180)</i>

5. What is your first official language?

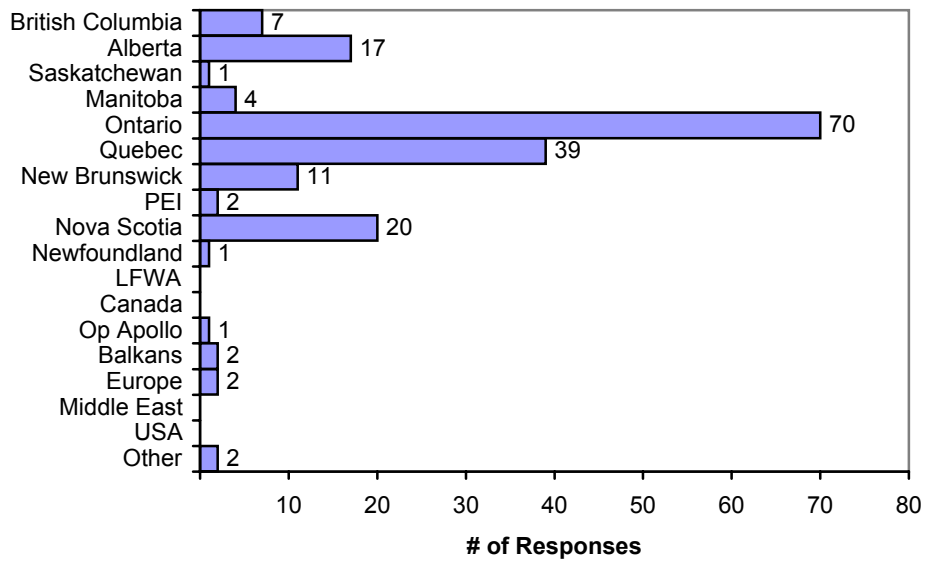
	2001	2002	2003
English	75.3%	79.7%	73.9%
French	24.7%	20.3%	26.1%
	<i>(n=247)</i>	<i>(n=182)</i>	<i>(n=180)</i>

6. In which element/organization are you presently serving?



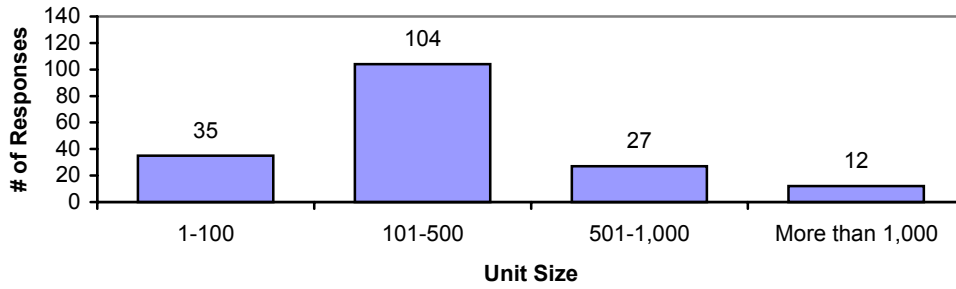
	2001	2002	2003
Maritime	14.1%	13.7%	15.0%
Land	54.0%	58.2%	57.2%
Air	9.7%	11.0%	13.3%
DCDS (Deployed Operations)	2.0%	2.2%	1.7%
CFSTG (Training)	10.9%	7.7%	8.3%
NDHQ	2.4%	4.9%	2.8%
Other	6.9%	2.2%	1.7%
	<i>(n=248)</i>	<i>(n=182)</i>	<i>(n=180)</i>

7. In what province (if in Canada), nation or area of operations (if outside Canada) is your unit currently located?



	2001	2002	2003
British Columbia	7.3%	6.7%	3.9%
Alberta	7.7%	11.7%	9.5%
Saskatchewan	1.2%	0.0%	0.6%
Manitoba	2.8%	3.3%	2.2%
Ontario	38.3%	37.2%	39.1%
Quebec	18.5%	13.3%	21.8%
New Brunswick	8.5%	11.7%	6.1%
PEI	0.4%	1.1%	1.1%
Nova Scotia	8.9%	5.0%	11.2%
Newfoundland	1.6%	1.1%	0.6%
LFWA	0.4%	0.6%	0.0%
Canada		0.6%	0.0%
Op Apollo		2.2%	0.6%
Balkans	2.4%	1.7%	1.1%
Europe	0.4%	1.7%	1.1%
Middle East	0.8%	1.1%	0.0%
USA	0.8%	1.1%	0.0%
Other			1.1%
	(n=248)	(n=180)	(n=179)

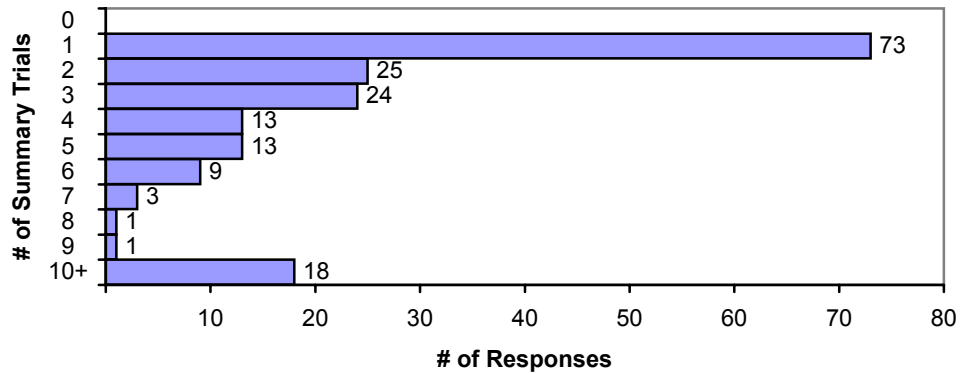
8. What is the size of the unit you are working in?



	2001	2002	2003
1-100	21.1%	20.3%	19.7%
101-500	56.9%	56.6%	58.4%
501-1,000	15.9%	15.9%	15.2%
More than 1,000	6.1%	7.1%	6.7%
	(n=246)	(n=182)	(n=178)

Section 2: Process

1. Since January 1, 2002 how many times have you presided at a Summary Trial?



<u># of Summary Trials</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
0	4.4%	0.0%	0.0%
1	36.7%	28.4%	40.6%
2	18.1%	17.5%	13.9%
3	13.3%	14.8%	13.3%
4	7.3%	7.7%	7.2%
5	5.6%	5.5%	7.2%
6	3.2%	2.7%	5.0%
7	2.0%	3.3%	1.7%
8	2.4%	2.2%	0.6%
9	0.4%	0.5%	0.6%
10+	6.5%	17.5%	10.0%
	(n=248)	(n=183)	(n=180)

2. **Have you been certified by the Judge Advocate General as qualified to perform your duties as a presiding officer? (Presiding Officer Certification Training)**

	<u>2001</u>	<u>2002</u>	<u>2003</u>
Yes	98.8%	99.5%	99.4%
No	0.4%	0.0%	0.6% >>> Go to C
No Response	0.8%	0.5%	0.0%
	(n=250)	(n=183)	(n=180)

2.a) **If you answered "yes" to Question 2, when did you complete your Presiding Officer Certification Training?**

	<u>2001</u>	<u>2002</u>	<u>2003</u>
Sep 99 to Mar 00		67.0%	33.5% >>> Go to C
Apr 00 to Aug 00		8.2%	14.0% >>> Go to C
Sep 00 to Mar 01		12.1%	16.8% >>> Go to C
Apr 01 to Aug 01		4.4%	7.8% >>> Go to C
Aug 01 to now		6.6%	25.7% >>> Go to C
No Response		1.6%	2.2%
		(n=182)	(n=179)

2.b) **If you answered "no" to Question 2, have you been granted a waiver?**

	<u>2001</u>	<u>2002</u>	<u>2003</u>
Yes	0.0%		0.0%
No	100.0%		100.0% >>> Go to C
No Response	0.0%		0.0%
	(n=1)	(n=0)	(n=1)

2.c) **If you answered "yes" to Question 2.b., was it granted by an authority other than the CDS?**

	2001	2002	2003	
Yes				
No				>>> Go to C
No Response				(n=0)

3. **When presiding at Summary Trials, how often do you follow the Presiding Officer's checklist published in the "Military Justice at the Summary Trial Level" manual?**

	2001	2002	2003
Almost Always	21.6%	94.0%	92.2%
Sometimes	0.4%	3.8%	3.9%
Almost Never	0.4%	1.1%	3.3%
No Response	77.6%	1.1%	0.6%
	(n=250)	(n=183)	(n=180)

4. **Before deciding to proceed with a charge, do you consult your unit legal advisor?**

Note: Error in 2002

	2001	2002	2003	
Almost Always		83.1%	79.4%	>>> Go to C
Sometimes		13.1%	15.6%	>>> Go to C
Almost Never		2.2%	5.0%	
Yes	88.8%			>>> Go to C
No	9.2%			
No Response	2.0%	1.6%	0.0%	
	(n=250)	(n=183)	(n=180)	

4.a) **If you answered "almost never" to Question 4, please explain why not.**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- Je ne porte pas les accusations.
- Simple charges, dealt with at sub-unit level. Consulted with CSM.
- Many of my charges are AWOL, or Neglegent Discharges and I don't reqr his advice on these matters. when a strange charge comes by (ie insubordinate behaviour, I usually give him a call) I don't find that he gives me much advice as his department has already gone over the charge with a fine tooth comb.
- The charge that comes before me has already been screened by the JAG at the CSM level
- On only one occasion has the matter been sufficiently complicated that I felt advice from the JAG on how to proceed was required prior to commencing the trial. In the same case I also consulted the JAG for a trial during "contemplation" to get clarification on the punishments and how to weigh the mitigating evidence.

- Its presiding officers, I don't lay charges. My Sergeant Major does that job and he is the one who deals with they legal advisor.
- Le cas que j'ai eu a juger fut tres simple a anacker.
- Ce n'etait tout simplement pas necessaires.
- As a delegated officer the charges referred to me are fairly simle and straight forward. I understand my Power of punishment and the process to be followed.

5. **How often do you find that your powers of punishment are inadequate to deal with the charges before you?**

	2001	2002	2003
Almost Always	24.0%	5.5%	7.2%
Sometimes	15.6%	21.3%	21.7%
Almost Never	58.8%	71.0%	71.1%
No Response	1.6%	2.2%	0.0%
	<i>(n=250)</i>	<i>(n=183)</i>	<i>(n=180)</i>

6. **At the Summary Trials over which you have presided, how often has the Accused given evidence before your finding?**

	2001	2002	2003
Almost Always	51.2%	45.4%	35.6%
Sometimes	27.6%	32.8%	32.2%
Almost Never	18.0%	20.2%	32.2%
No Response	3.2%	1.6%	0.0%
	<i>(n=250)</i>	<i>(n=183)</i>	<i>(n=180)</i>

7. **How often does the Accused or the Assisting Officer (on behalf of the Accused) question each witness?**

	2001	2002	2003
Almost Always	42.0%	45.4%	41.7%
Sometimes	41.2%	37.7%	35.0%
Almost Never	13.6%	15.3%	23.3%
No Response	3.2%	1.6%	0.0%
	<i>(n=250)</i>	<i>(n=183)</i>	<i>(n=180)</i>

8. **How often do you question the Accused yourself before making your finding of guilty or not guilty?**

	2001	2002	2003
Almost Always	79.2%	79.2%	66.7%
Sometimes	9.2%	13.7%	22.2%
Almost Never	7.6%	6.0%	11.1%
No Response	4.0%	1.1%	0.0%
	<i>(n=250)</i>	<i>(n=183)</i>	<i>(n=180)</i>

9. **How often does the Accused or Assisting Officer present evidence or make submissions in mitigation of sentence?**

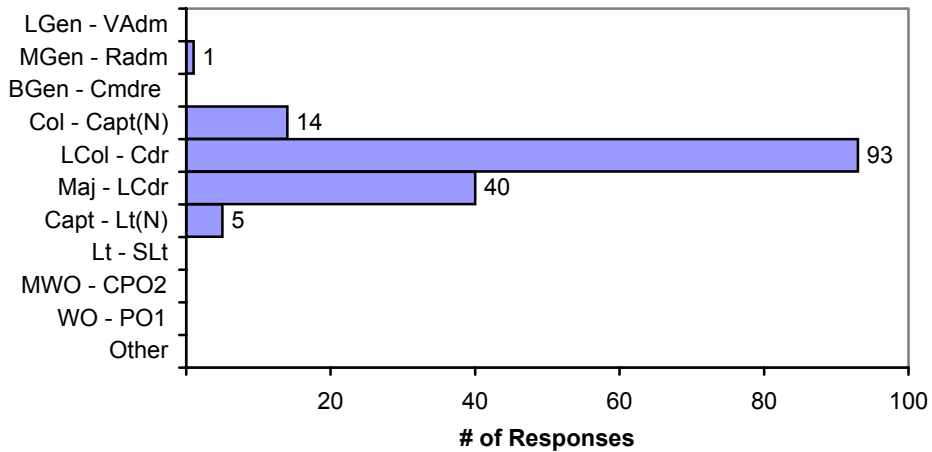
	2001	2002	2003
Almost Always	78.4%	80.9%	77.2%
Sometimes	14.4%	14.8%	18.3%
Almost Never	4.0%	3.3%	4.4%
No Response	3.2%	1.1%	0.0%
	<i>(n=250)</i>	<i>(n=183)</i>	<i>(n=180)</i>

Commanding Officer

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2002	10	143	153	6.5%	93.5%
2002	21	153	174	12.1%	87.9%
2001	27	205	232	11.6%	88.4%

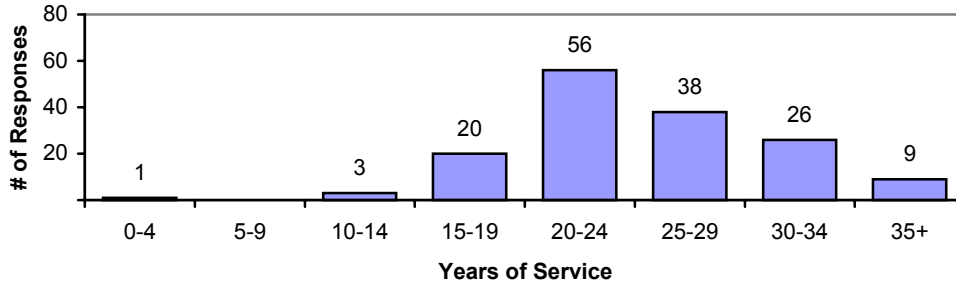
Section 1: Profile

1. What is your present rank?



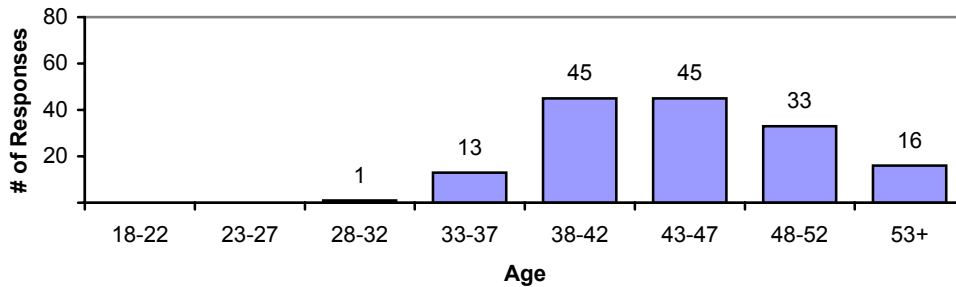
		2001	2002	2003
Gen'l/Flag Officers	LGen - VAdm	0.4%	0.0%	0.0%
	MGen - Radm	0.4%	1.1%	0.7%
	BGen - Cmdre	0.0%	1.1%	0.0%
Sr Officers	Col - Capt(N)	12.1%	9.8%	9.2%
	LCol - Cdr	52.8%	51.1%	60.8%
	Maj - LCdr	30.7%	32.8%	26.1%
Jr Officers	Capt - Lt(N)	2.2%	2.3%	3.3%
	Lt - SLt	0.4%	0.0%	0.0%
NCM	MWO - CPO2	0.4%	0.0%	0.0%
	WO - PO1	0.0%	1.1%	0.0%
Appointments	Other	0.4%	0.6%	0.0%
		(n=231)	(n=174)	(n=153)

2. How long have you been a member of the Canadian Forces?



	2001	2002	2003
0-4	0.0%	0.0%	0.7%
5-9	0.0%	0.0%	0.0%
10-14	4.8%	5.7%	2.0%
15-19	11.3%	15.5%	13.1%
20-24	34.3%	27.0%	36.6%
25-29	27.0%	32.2%	24.8%
30-34	16.5%	12.6%	17.0%
35+	6.1%	6.9%	5.9%
	(n=230)	(n=174)	(n=153)

3. How old are you?



	2001	2002	2003
18-22	0.0%	0.0%	0.0%
23-27	0.4%	0.0%	0.0%
28-32	1.3%	1.7%	0.7%
33-37	8.7%	8.6%	8.5%
38-42	28.1%	28.7%	29.4%
43-47	30.3%	36.2%	29.4%
48-52	22.5%	14.4%	21.6%
53+	8.7%	10.3%	10.5%
	(n=231)	(n=174)	(n=153)

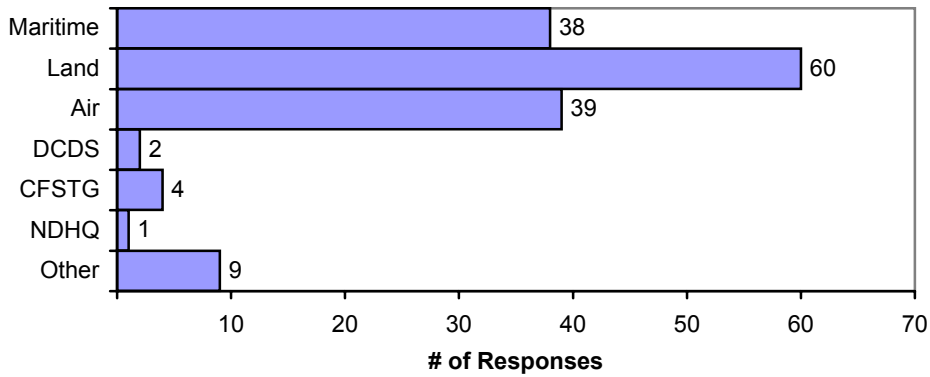
4. Are you:

	2001	2002	2003
Male	93.5%	93.7%	94.8%
Female	6.5%	6.3%	5.2%
	<i>(n=231)</i>	<i>(n=174)</i>	<i>(n=153)</i>

5. What is your first official language?

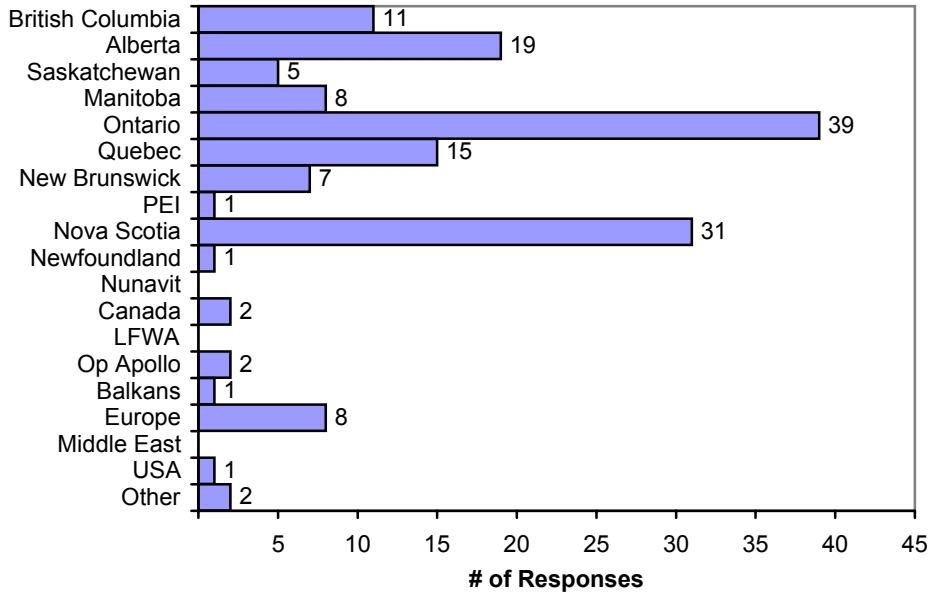
	2001	2002	2003
English	83.6%	83.9%	85.0%
French	16.5%	16.1%	15.0%
	<i>(n=231)</i>	<i>(n=174)</i>	<i>(n=153)</i>

6. In which element/organization are you presently serving?



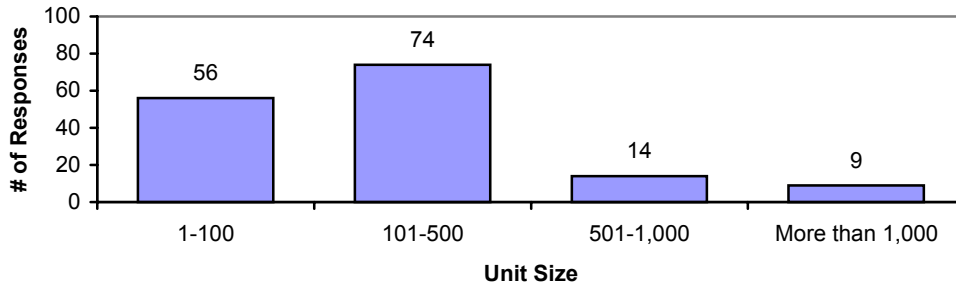
	2001	2002	2003
Maritime	17.7%	16.1%	24.8%
Land	35.1%	40.8%	39.2%
Air	21.2%	23.6%	25.5%
DCDS (Deployed Operations)	2.2%	1.7%	1.3%
CFSTG (Training)	9.5%	6.3%	2.6%
NDHQ	3.9%	3.4%	0.7%
Other	10.4%	8.0%	5.9%
	<i>(n=231)</i>	<i>(n=174)</i>	<i>(n=153)</i>

7. **In what province (if in Canada), nation or area of operations (if outside Canada) is your unit currently located?**



	2001	2002	2003
British Columbia	13.9%	11.5%	7.2%
Alberta	4.8%	19.5%	12.4%
Saskatchewan	0.9%	1.1%	3.3%
Manitoba	3.5%	5.7%	5.2%
Ontario	41.6%	23.0%	25.5%
Quebec	9.1%	9.2%	9.8%
New Brunswick	4.8%	11.5%	4.6%
PEI	0.4%	0.6%	0.7%
Nova Scotia	14.3%	6.9%	20.3%
Newfoundland	2.2%	2.9%	0.7%
Nunavit	0.4%	0.0%	0.0%
Canada			1.3%
LFWA	0.0%	1.1%	0.0%
Op Apollo		1.1%	1.3%
Balkans	0.4%	0.6%	0.7%
Europe	1.7%	2.9%	5.2%
Middle East	0.9%	0.6%	0.0%
USA	0.9%	0.6%	0.7%
Other	0.4%	1.1%	1.3%
	<i>(n=231)</i>	<i>(n=174)</i>	<i>(n=153)</i>

8. What is the size of the unit you are working in?



	2001	2002	2003
1-100	37.4%	46.6%	36.6%
101-500	47.4%	40.8%	48.4%
501-1,000	10.4%	5.7%	9.2%
More than 1,000	4.8%	6.9%	5.9%
	(n=230)	(n=174)	(n=153)

Section 2: Process

1. Have you been certified by the Judge Advocate General as qualified to perform your duties as Commanding Officer in the administration of the Code of Service Discipline?

	2001	2002	2003
Yes	92.7%	92.5%	98.0% >>> Go to
No	6.5%	7.5%	2.0%
No Response	0.9%		
	(n=232)	(n=174)	(n=153)

1.a) If you answered "no" to Question 1, have you been granted a waiver?

	2001	2002	2003
Yes	26.7%	0.0%	0.0%
No	73.3%	100.0%	100.0% >>> Go to (
No Response		0.0%	0.0%
	(n=15)	(n=13)	(n=3)

1.b) If you answered "yes" to Question 1.a, was it granted by an authority other than the

	2001	2002	2003
Yes			
No			
No Response			
			(n=0)

2. Does your unit keep a Unit Registry of Disciplinary Proceedings?

	2001	2002	2003	
Yes	92.7%	79.3%	92.2%	>>> Go to (
No	5.6%	0.6%	6.5%	
No charges have been laid at Unit since Sep 99		19.5%		
No Response	1.7%	0.6%	1.3%	
	(n=232)	(n=174)	(n=153)	

2.a) If you answered "no" to Question 2, please explain why not?

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- Registry is kept at Base/Wing level(one level up the command chain)
- None held since my arrival
- I command a Formation, not a unit.
- As we are a new unit with 7 personnel, I do not see a requirement at this time. Once we are fully established (45 personnel), then I will look into developing a Unit Registry.
- I am a Branch Head. The Wing keeps one common Unit Registry.
- No disciplinary proceedings held to date
- Maintained by supporting URS
- My staff consists of six senior Lt(N) and LCdr ranked officers only. In the four years I have been in this job, no disciplinary action has been required. Disciplinary action is unlikely to be required in the future and if it was, I wouldn't qualify to be the Presiding Officer.
- We have never disciplined a member of this unit. The administrative route (recorded warning, C&P) has been taken on occasion.
- Have not had a Disciplinary event to record yet.

3. Have you ever approved a Search Warrant?

	2001	2002	2003	
Yes	3.9%	4.0%	6.5%	
No	94.0%	96.0%	93.5%	>>>> Go to
No Response	2.2%	0.0%	0.0%	
	(n=232)	(n=174)	(n=153)	

3.a) If you answered "yes" to Question 3, how often have you consulted a lawyer before approving a Search Warrant?

	2001	2002	2003
Almost Always	66.7%	100.0%	90.0%
Sometimes	0.0%	0.0%	0.0%
Almost Never	33.3%	0.0%	10.0%
No Response		0.0%	0.0%
	(n=9)	(n=7)	(n=10)

4. **How often do you send a Record of Disciplinary Proceedings (RDP) indicating the final disposition of all charges against the Accused to the office of your local AJAG/DJA for review?**

	2001	2002	2003	
Almost Always	80.2%	70.7%	73.9%	>>> Go to
Sometimes	3.0%	4.6%	4.6%	>>> Go to
Almost Never	9.1%	21.8%	20.3%	
No Response	7.8%	2.9%	1.3%	
	<i>(n=232)</i>	<i>(n=174)</i>	<i>(n=153)</i>	

4.a) **If you answered "almost never" to Question 4, please explain why not?**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- We have not had charges laid for the AJAG to review.
- In my 6 months as CO I have yet to have a charge laid on this unit.
- Have never had any charges laid or trial conducted.
- Have not tried a person since my appointment as CO.
- Have never held a summary trail of one of my personnel at this unit
- Heard zero charges
- We have yet to have a charge to be administered by this unit or against anyone in the unit by an outside agency. We will have something more to report next year.
- Have never held a Summary Trial in my tenure as CO.
- Have not conducted a Summary Trial at this unit in years
- No occasion to do so.
- At this point in time, I have not had the need to conduct disciplinary proceedings
- The Wing coordinates this for us.
- There is no need what in my organization at the present time.
- Not yet required. I would involve our AJAG/DJA throughout entire procedure
- No disciplinary cases within the unit since I took command. If a case arose I would always seek advice beforehand and review after the proceedings.

- Since assuming Command in June 02 - This unit has not conducted a Summary Trial
- In the four years I have been in this job, no disciplinary action has been required
- For the two years that I have been the CO of this unit, we have not held a summary trial
- have not had an instance requiring me to take such records
- Have not had a summary trial at my unit since taking over as CO.
- There has not been a Disciplinary Proceeding at this unit during my command. The Record is blank.
- We do not have breaches of service discipline that would precipitate a ST and subsequent RDP.
- Only happened once
- No cases done so far.
- Actually, the answer is Never. See the answer to Question 2a.

- Because "never" was not provided as an option. (No summary trials have been held)
- I am the Formation Commander
- Never had one.
- Aucun procès sommaire a eu lieu.
- No disciplinary proceedings held at this unit as long as I have been here (and for many years prior to my arrival).
- Have not had a Disciplinary case yet.

5. **If you have held a Summary Trial at your unit, does your local AJAG/DJA give feedback on your RDPs?**

	2001	2002	2003	
Almost Always	59.1%	45.4%	44.4%	
Sometimes	17.2%	11.5%	11.1%	
Almost Never	10.8%	2.9%	2.6%	
N/A (have not held a Summary Trial at Unit since		36.2%	41.8%	>>> Go to
No Response	12.9%	4.0%	0.0%	
	<i>(n=232)</i>	<i>(n=174)</i>	<i>(n=153)</i>	

6. **Is the feedback timely?**

	2001	2002	2003
Yes	71.1%	85.6%	92.1%
No	11.2%	8.1%	5.6%
No Response	17.7%	6.3%	2.2%
	<i>(n=232)</i>	<i>(n=111)</i>	<i>(n=89)</i>

7. **How often have you received a request for public access to an RDP?**

	2001	2002	2003	
1-10	6.0%	4.0%	2.6%	
10+	0.0%	0.0%	0.7%	
Never	90.9%	93.1%	96.7%	>>> Go to (
No Response	3.0%	2.9%	0.0%	
	<i>(n=232)</i>	<i>(n=174)</i>	<i>(n=153)</i>	

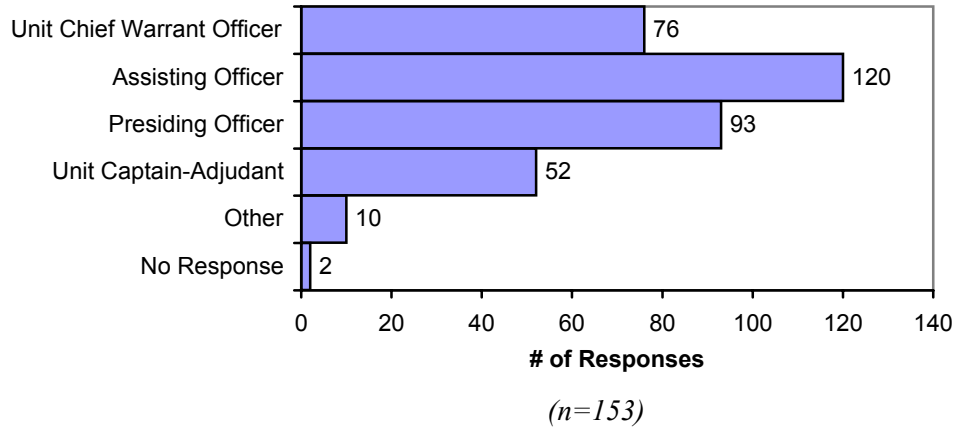
7.a) **If you receive requests for public access to RDPs, how often do you consult a lawyer about these requests?**

	2001	2002	2003
Almost Always	85.7%	42.9%	80.0%
Sometimes	10.7%	28.6%	0.0%
Almost Never	3.6%	14.3%	0.0%
No Response		14.3%	20.0%
	<i>(n=28)</i>	<i>(n=7)</i>	<i>(n=5)</i>

8. **To the best of your knowledge, is the Accused within your unit informed that he or she may request a review of the outcome of the Summary Trial?**

	2001	2002	2003
Yes	90.9%	93.7%	92.8%
No	3.0%	2.3%	3.9%
No Response	6.0%	4.0%	3.3%
	(n=232)	(n=174)	(n=153)

9. **Who in your unit informs the accused that he or she may request a review of the outcome of the Summary Trial (Check all that apply) ?**

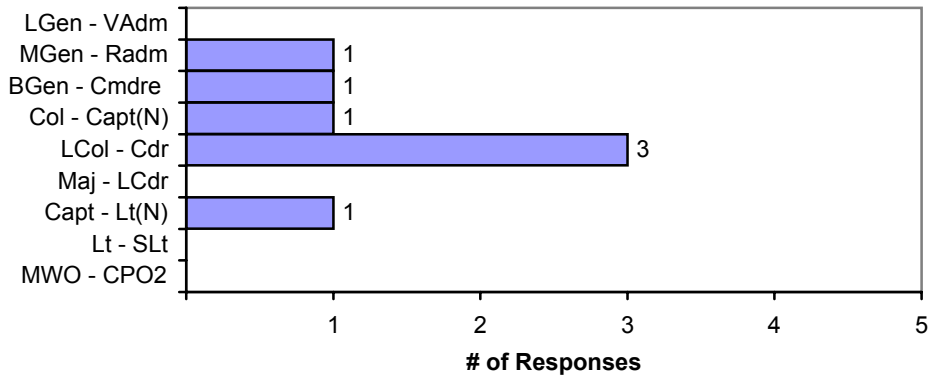


Review Authority

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2003	2	5	7	28.6%	71.4%
2002	3	9	12	25.0%	75.0%
2001	4	18	22	18.2%	81.8%

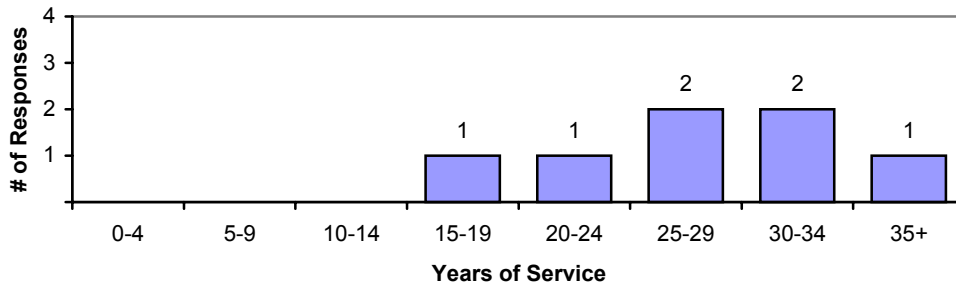
Section 1: Profile

1. What is your present rank?



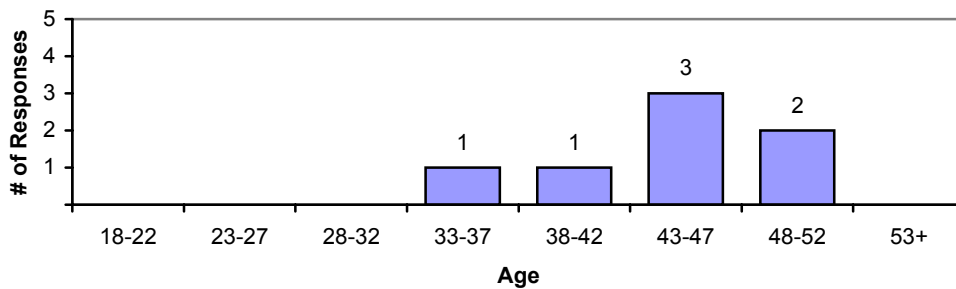
		2001	2002	2003
Gen'l/Flag Officers	LGen - VAdm	4.5%	0.0%	0.0%
	MGen - Radm	0.0%	8.3%	14.3%
	BGen - Cmdre	9.1%	25.0%	14.3%
Sr Officers	Col - Capt(N)	18.2%	16.7%	14.3%
	LCol - Cdr	45.5%	33.3%	42.9%
	Maj - LCdr	13.6%	8.3%	0.0%
Jr Officers	Capt - Lt(N)	4.5%	0.0%	14.3%
	Lt - SLt	0.0%	8.3%	0.0%
NCM	MWO - CPO2	4.5%	0.0%	0.0%
		(n=22)	(n=12)	(n=7)

2. How long have you been a member of the Canadian Forces?



	2001	2002	2003
0-4	0.0%	0.0%	0.0%
5-9	0.0%	0.0%	0.0%
10-14	4.5%	8.3%	0.0%
15-19	13.6%	0.0%	14.3%
20-24	31.8%	8.3%	14.3%
25-29	36.4%	41.7%	28.6%
30-34	13.6%	16.7%	28.6%
35+	0.0%	25.0%	14.3%
	(n=22)	(n=12)	(n=7)

3. How old are you?



	2001	2002	2003
18-22	0.0%	0.0%	0.0%
23-27	0.0%	0.0%	0.0%
28-32	0.0%	8.3%	0.0%
33-37	18.2%	0.0%	14.3%
38-42	27.3%	0.0%	14.3%
43-47	36.4%	58.3%	42.9%
48-52	18.2%	16.7%	28.6%
53+	0.0%	16.7%	0.0%
	(n=22)	(n=12)	(n=7)

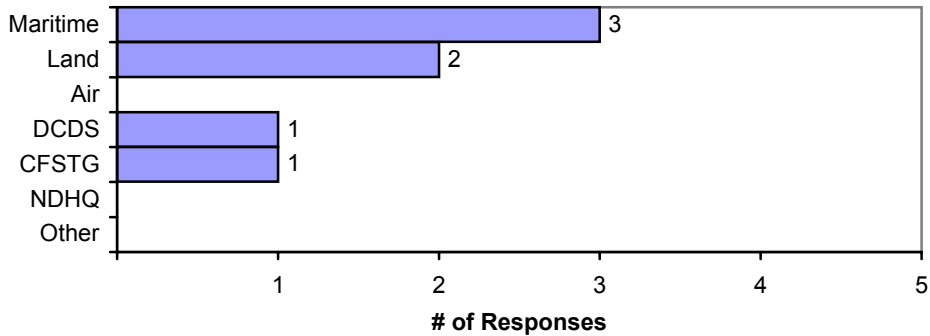
4. Are you:

	2001	2002	2003
Male	90.9%	100.0%	100.0%
Female	9.1%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)

5. What is your first official language?

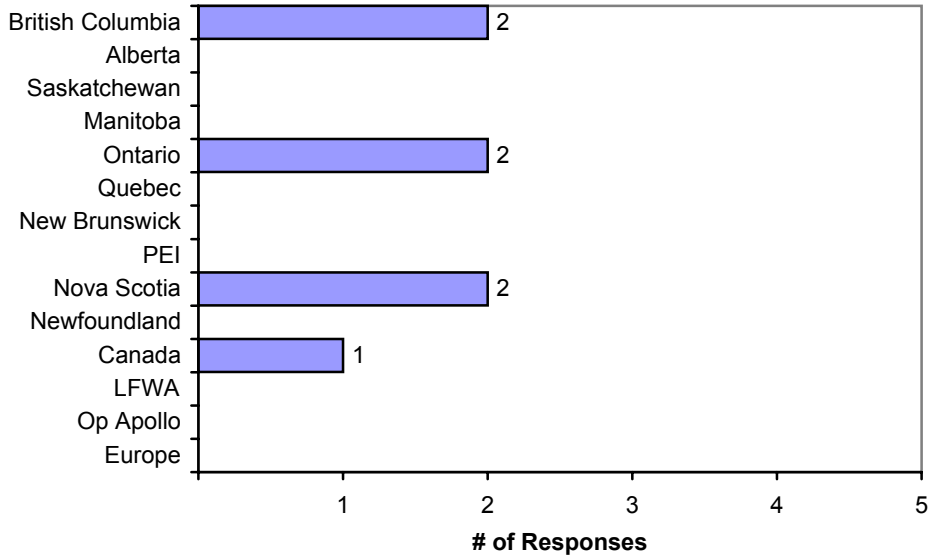
	2001	2002	2003
English	81.8%	91.7%	85.7%
French	18.2%	8.3%	14.3%
	(n=22)	(n=12)	(n=7)

6. In which element/organization are you presently serving?



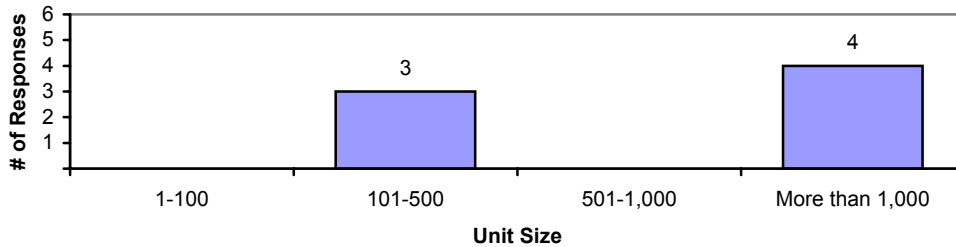
	2001	2002	2003
Maritime	18.2%	16.7%	42.9%
Land	40.9%	58.3%	28.6%
Air	18.2%	0.0%	0.0%
DCDS (Deployed Operations)	0.0%	0.0%	14.3%
CFSTG (Training)	13.6%	16.7%	14.3%
NDHQ	4.5%	8.3%	0.0%
Other	4.5%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)

7. **In what province (if in Canada), nation or area of operations (if outside Canada) is your unit currently located?**



	2001	2002	2003
British Columbia	22.7%	0.0%	28.6%
Alberta	0.0%	8.3%	0.0%
Saskatchewan	0.0%	0.0%	0.0%
Manitoba	0.0%	0.0%	0.0%
Ontario	54.5%	33.3%	28.6%
Quebec	13.6%	8.3%	0.0%
New Brunswick	0.0%	16.7%	0.0%
PEI	0.0%	8.3%	0.0%
Nova Scotia	4.5%	0.0%	28.6%
Newfoundland	0.0%	8.3%	0.0%
Canada			14.3%
LFWA	4.5%	0.0%	0.0%
Op Apollo		8.3%	0.0%
Europe	0.0%	8.3%	0.0%
	(n=22)	(n=12)	(n=7)

8. **What is the size of the unit you are working in?**



	2001	2002	2003
1-100	4.5%	25.0%	0.0%
101-500	45.5%	50.0%	42.9%
501-1,000	31.8%	8.3%	0.0%
More than 1,000	18.2%	16.7%	57.1%
	(n=22)	(n=12)	(n=7)

Section 2: Process

1. **Have you been certified by the Judge Advocate General as qualified to perform duties in the administration of the Code of Service Discipline (commonly known as Presiding Officer Certification Training)?**

	2001	2002	2003
Yes	100.0%	100.0%	100.0%
No	0.0%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)

2. **Have you completed the certification training for Presiding Officers?**

	2001	2002	2003
Yes	100.0%	100.0%	0.0%
No	0.0%	0.0%	0.0%
No Response		0.0%	100.0%
	(n=22)	(n=12)	(n=7)

3. **How many requests for review have you received from offenders convicted at Summary Trial?**

	2001	2002	2003
0	18.2%	8.3%	42.9%
1	50.0%	50.0%	42.9%
2	18.2%	8.3%	14.3%
3	4.5%	25.0%	0.0%
4	4.5%	0.0%	0.0%
5	4.5%	8.3%	0.0%
No Response		0.0%	0.0%
	(n=22)	(n=12)	(n=7)
Average	1.4	1.8	0.7

4. **How often do you grant relief on the offender's requests?**

	2001	2002	2003
Almost Always	9.1%	8.3%	28.6%
Sometimes	31.8%	16.7%	42.9%
Almost Never	40.9%	66.7%	28.6%
No Response	18.2%	8.3%	0.0%
	(n=22)	(n=12)	(n=7)

5. **Do you regularly obtain legal advice from your unit legal officer before deciding whether or not to grant relief on the offender's request?**

	2001	2002	2003
Almost Always		91.7%	100.0%
Sometimes		0.0%	0.0%
Almost Never		0.0%	0.0%
No Response		8.3%	0.0%
		(n=12)	(n=7)

6. **In your opinion, is the legal advice you receive on a request for review helpful to you in disposing of the request?**

	2001	2002	2003
Almost Always	77.3%	91.7%	100.0%
Sometimes	9.1%	0.0%	0.0%
Almost Never	0.0%	0.0%	0.0%
No Response	13.6%	8.3%	0.0%
	(n=22)	(n=12)	(n=7)

7. **Is the legal advice received in a timely fashion?**

	2001	2002	2003
Almost Always	63.6%	91.7%	85.7%
Sometimes	27.3%	0.0%	14.3%
Almost Never	0.0%	0.0%	0.0%
No Response	9.1%	8.3%	0.0%
	(n=22)	(n=12)	(n=7)

8. **Do you think that the current review process gives you enough time to respond adequately to offenders' requests?**

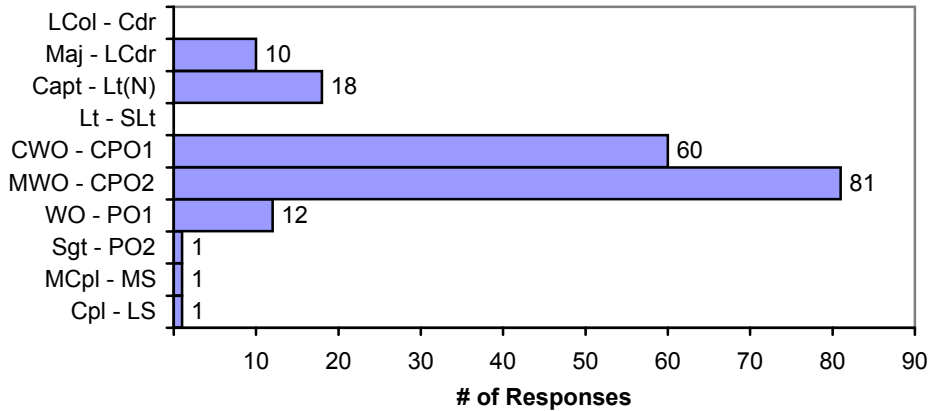
	2001	2002	2003
Yes	77.3%	75.0%	85.7%
No	13.6%	16.7%	14.3%
No Response	9.1%	8.3%	0.0%
	(n=22)	(n=12)	(n=7)

Charging Authority

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2003	28	157	185	15.1%	84.9%
2002	31	148	179	17.3%	82.7%
2001					

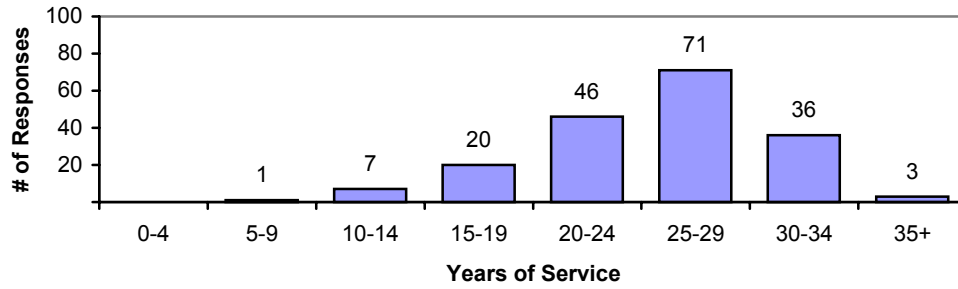
Section 1: Profile

1. What is your present rank?



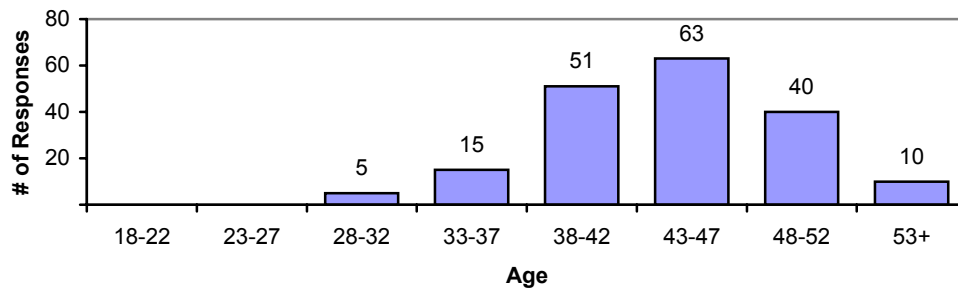
		2001	2002	2003
Sr Officers	LCol - Cdr		1.1%	0.0%
	Maj - LCdr		4.5%	5.4%
Jr Officers	Capt - Lt(N)		13.0%	9.8%
	Lt - SLt		0.6%	0.0%
NCM	CWO - CPO1		33.3%	32.6%
	MWO - CPO2		37.9%	44.0%
	WO - PO1		7.3%	6.5%
	Sgt - PO2		1.1%	0.5%
	MCpl - MS		1.1%	0.5%
	Cpl - LS		40.0%	0.5%
			(n=177)	(n=184)

2. How long have you been a member of the Canadian Forces?



	2001	2002	2003
0-4		0.0%	0.0%
5-9		0.6%	0.5%
10-14		5.6%	3.8%
15-19		6.2%	10.9%
20-24		24.3%	25.0%
25-29		39.5%	38.6%
30-34		22.0%	19.6%
35+		1.7%	1.6%
		(n=177)	(n=184)

3. How old are you?



	2001	2002	2003
18-22		0.0%	0.0%
23-27		0.6%	0.0%
28-32		4.0%	2.7%
33-37		6.8%	8.2%
38-42		20.9%	27.7%
43-47		43.5%	34.2%
48-52		21.5%	21.7%
53+		2.8%	5.4%
		(n=177)	(n=184)

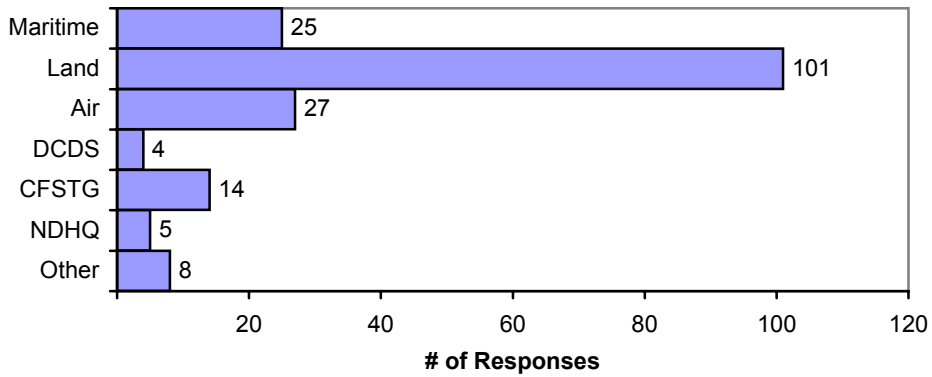
4. Are you:

	<u>2001</u>	<u>2002</u>	<u>2003</u>
Male		97.7%	97.3%
Female		2.3%	2.7%
		(n=177)	(n=184)

5. What is your first official language?

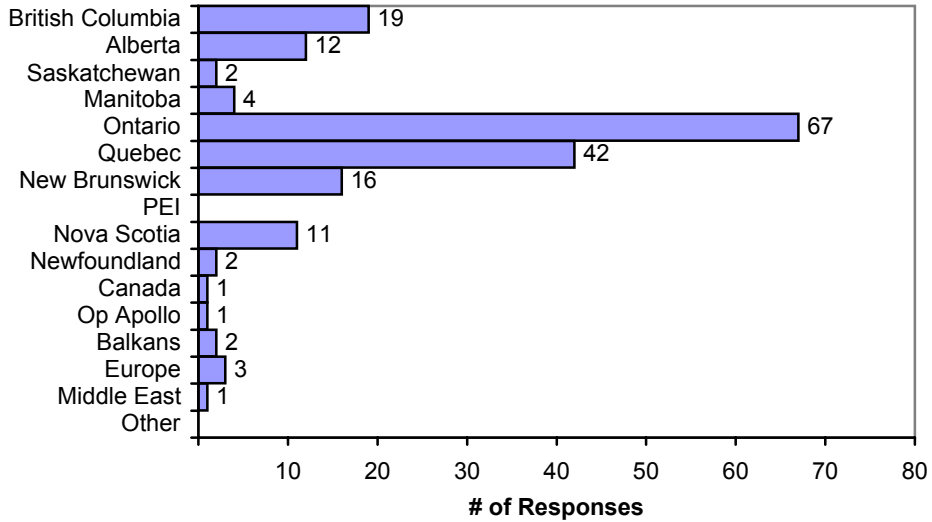
	<u>2001</u>	<u>2002</u>	<u>2003</u>
English		68.9%	62.5%
French		31.1%	37.5%
		(n=177)	(n=184)

6. In which element/organization are you presently serving?



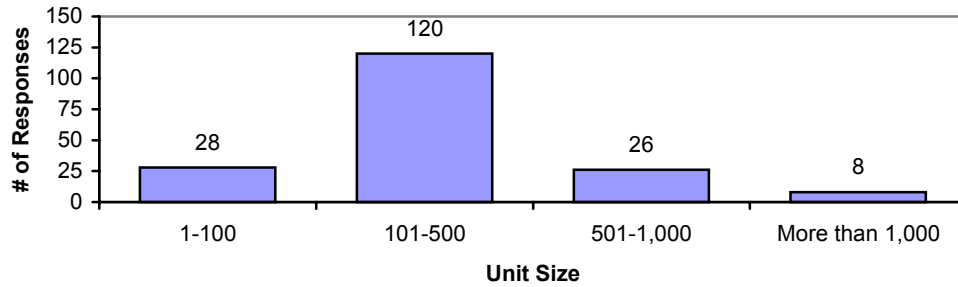
	<u>2001</u>	<u>2002</u>	<u>2003</u>
Maritime		18.1%	13.6%
Land		56.5%	54.9%
Air		9.0%	14.7%
DCDS (Deployed Operations)		2.3%	2.2%
CFSTG (Training)		5.1%	7.6%
NDHQ		6.8%	2.7%
Other		2.3%	4.3%
		(n=177)	(n=184)

7. **In what province (if in Canada), nation or area of operations (if outside Canada) is your unit currently located?**



	2001	2002	2003
British Columbia		8.0%	10.4%
Alberta		7.4%	6.6%
Saskatchewan		1.1%	1.1%
Manitoba		2.3%	2.2%
Ontario		30.3%	36.6%
Quebec		22.9%	23.0%
New Brunswick		10.9%	8.7%
PEI		0.0%	0.0%
Nova Scotia		6.3%	6.0%
Newfoundland		4.0%	1.1%
Canada			0.5%
Op Apollo		2.3%	0.5%
Balkans		3.4%	1.1%
Europe			1.6%
Middle East		0.6%	0.5%
Other		0.6%	0.0%
		(n=175)	(n=183)

8. What is the size of the unit you are working in?



	2001	2002	2003
1-100		24.9%	15.4%
101-500		58.2%	65.9%
501-1,000		14.1%	14.3%
More than 1,000		2.8%	4.4%
		(n=177)	(n=182)

Section 2: Process

1. Have you laid charges under the Code of Service Discipline since 01 Jan 02?

	2001	2002	2003
Yes		84.9%	81.1%
No		14.5%	18.9%
No Response		0.6%	0.0%
		(n=179)	(n=185)

2. In what capacity, as Charging Authority, are you presently serving? Are you an Officer or Non-commissioned member:

	2001	2002	2003
Authorized by CO		97.2%	96.8%
Of the Military Police		2.8%	2.2%
Assigned to Investigative duties with the NIS			
No Response		0.0%	1.1%
		(n=179)	(n=185)

3. Have you completed the certification training for Presiding Officers?

	2001	2002	2003
Yes		59.2%	62.2%
No		40.2%	37.3%
No Response		0.6%	0.5%
		(n=179)	(n=185)

4. Did you undertake specific Military Justice training for your current position?

	2001	2002	2003
Yes		36.3%	37.3%
No		63.1%	61.6% >>> Go to C
No Response		0.6%	1.1%
		(n=179)	(n=185)

4.a) If you answered "yes" to Question 4, please describe the training received?

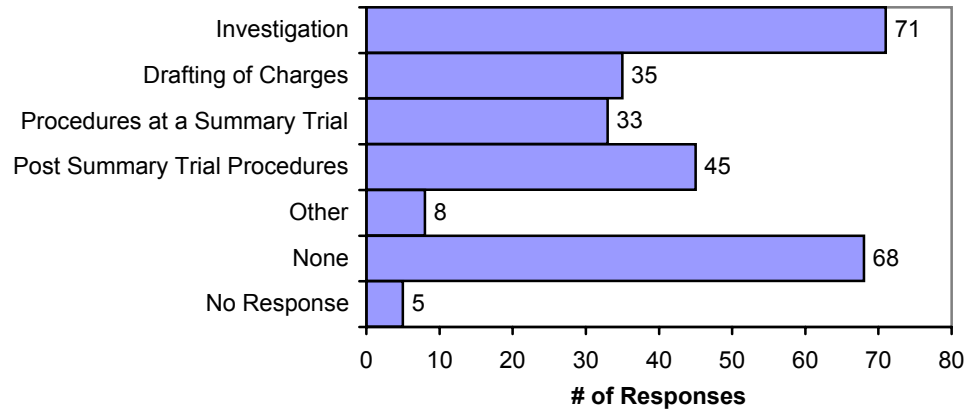
[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- 1) Military Justice at the Summary Trial Level pre-course material
- 2) Ship's Coxswain Course
- 6A, 6B courses, also PPP04
- 6B Course Inf
- As part of my JLC, SLC and Infantry QL7 courses.
And Prof dev trg
- Attended a 2 day training session given by the Area AJAG.
- CBG,run JAG Imformation training, and rank crses
- CLC/6A Crse, 6B Crse, SLC, QL7 Crse
- Computer based training - CD-ROM and Manual presentation provided. Use of DND intranet site.
- Cours de Capitaine d'Armes
Cours de Gestion avancée pour les sous-officiers supérieur
- Cours de président et PPPO 4
- Cours d'officier président
- Cours donné à Montréal lors des modificatis apportés au système. Accès en permanence au guide de Procès sommaire sur le web.
- Courses in Gagetown through JAG
- Cous de Leadership. 5B6A, 6B, 7
- Coxn Course
- Cox'n Course.
Military justice at the summary trial level.
- Coxswain Course
- Coxswain course
- COXSWAIN COURSE
- COXSWAIN COURSE
- Formal training during leadership courses
- I attending the Presiding Officers crse in Ottawa
- I have talken training through the my career such as my Inf 6B/ SLC/ QL7
- I received the one day training course in FY 99/2000 on the new procedures for summary trial and court marshell. I am in an advisory role, laying of charges is done by staff under my control, I do not normally lay charges myself.
- Inf QL 7, SLC,Presiding Offrs Crse

- Infantry QL Course
SLC
- intro while on Ship's Cox'n crse
- La même faormation qui est donné présentement dans les unités. Formation générique sur la maière et les procédures à faire avant, pendant et après un PVPD. En passant ici au Bon je planifie de faire une démo de procès par voie sommaire à tous les offr's et s-ofrs du Bon comme développement professionnel! Une démo vaut mille mots!
- Maritime Command Coxswain's Course
- Military Justice @ the Summary Trial.
- Military justice at the summary trial level
- Military Justice at the Summary trial level Training.
Few Seminar given by JAG and CWO.
- Military Law portion of QL6 and QL7 courses. Presently waiting for the practical segment of the Presiding Officer's Course - completed the first distance-learning segment. Civilian profession - Police Officer.
- Military Police Training
Presiding Officer Training
- POT Trg
- Presiding Officer Certification
- Presiding Officer Course.
- Presiding Officer Training
- Presiding Officer Training
- PRESIDING OFFICER TRAINING
- Presiding Officer Trg, Coxn Course, and Summary Trial Procedures
- Presiding Officers Course
- Presiding Officers Course
- Presiding Officer's Course
- Presiding Officers Crse
- Presiding Officers Training
- Presiding Offier Trg
- QL 3, QL 5, Cours d'Enquêteur
- -QL 6B Crse, QL 7 Crse , SLC Crse and Professional Development training conducted by units I have served in.
- QL 6B, SLC, QL 7, PRESIDING OFFICER TRAINING
- QL 7 Inf
- QL6B INF, SLC, QL7 INF, Home study package
- QL7
- QL-7 Formal CRSE.
- Qualification AGFL Enquêteur de la PM
Gestion de bureau d'enquête ENPQ (Nicolet)
- Seminar from ATAG
Reading Qery
- Seminar with the Chief from the JAG office
- Senior Leadership Course
- SHIP COXWAIN COURSE

- SHIPS COXN COURSE
- Ship's Coxswain Course & Presiding Officer Training
- SLC, QL6B Infantry, QL7 Infantry
- Summary Trial Training
- Summary Trial Trg (2 days given by AJAG; Presiding Offrs crse; 6A, 6B, SLC
- Was trained on QRNO's on SLC
Had some training by Jag office at unit

5. **In which part of the disciplinary process do you feel you need more training**
(Check all that apply) ?



(n=185)

Other include the following:

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- Handling of the files (investigation report) after the investigation and trials
- Refresher briefings and scennarios
- review of custody procedures
- AN AIDE DE MEMOIRE IS REQUIRED FOR POST TRIAL ADMIN FOR THOSE ELECTING FOR COURT MARTIAL
- Should have a refresher yearly
- Exercice pratique
- Use and application of MP reports
- COURT MARTIAL

6. **Has your career background/experience adequately prepared you to perform the Military Justice tasks and duties you are required to perform?**

	2001	2002	2003	
Yes		80.4%	87.0%	>>> Go to
No		19.6%	13.0%	
No Response		0.0%	0.0%	
		(n=179)	(n=185)	

6.a) **If you answered "no" to Question 6, please explain why?**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- Rules has changed so much in the last 3 to 4 years, and the 2 days Summary Trial course that I took was too fast and not that clear.
- Insufficient formal training
- I had very little exposure to investigations prior to assuming the position of Coxn. It was the investigation that was the most daunting aspect of the process - the part between receiving a complaint or seeing (first hand in some cases) to the point of drafting the charges.
- Je n'ai reçu aucune formation adéquate afin de me familiariser avec le système judiciaire.
- Did not experience the MJ system first hand during my career.
- too little exposure to summary trials as it is not a "in" thing to do anymore. to few charges for disciplinary problems.
- There has been an aversion to charging people in the last 5 or so years due to perceived difficulties with it's admin. Less frequent charges, however preferable, means less opportunity with this process.
- We do not perform enough laying of charge to become expert and at ease with subject. Thank god for the assistance of JAG Officer from our region.

- My appointment as ship's Coxswain came as a big surprise. I had to prepare myself on the rush. I was on the job as a Coxswain for at least 3 months before I could take the Coxswain course.
- The is no formal training available for Sr NCOs. My MOC has no 6A or 6B

- My previous background was mostly trade related. I was never in a position of authority to lay charges. My present position is a SSM and discipline is one of my main tasks within this unit.
- ONLY DONE AT QL7 LEVEL, NOT QUAL QL7
- Prior to CWo I had noinfo or experience with the Summary Trial Process. It appears that present supervisors shied away from using this format.
- I have received trades training, ARMY training and leadership training. But as for any training to be an SSM....it was learn by doing or asking others for guidance.
- Je n'avais jamais porté d'accusations auparavant. Il devrait y avoir de la formation pour les personnes promues au rang d'Adjum.
- To date have not received Mil Justice @ summary trial level trg. Believe completion of PIP and formal trg srl will achieve the required level of expertise. AJAG office has been very helpful throughout.
- OPDP #4 was taken approx 12-15 yrs ago and like anything else that is not used regularly, the info gets forgotten. Trg was offered this past year but the timing was not good as I was not available.
- THE COURSING WAS IMPERATIVE. EXPERIENCE ALONE DID NOT GIVE THE REQUIRED CONFIDENCE.
- NO PRIOR TRAINING RECEIVED REGARDING DISCIPLINARY INVESTIGATION PROCEDURES

- Although we touched on the subj during the SLC, I do not feel we spent enough time on the subject.
- No prior training fro position or specific job tasks, especially WRT laying of charges
- il n'avait pas de cours de formation qui existait antérieurement et on ne remplaçait pas le smc pour de longue période (1 an pour raison de roto)

7. **When would you suggest is the best time as an NCO to receive training as a charge laying authority (Check one) ?**

	2001	2002	2003
6A		35.8%	31.9%
6B		14.5%	15.7%
SLC		38.5%	35.1%
Other		9.5%	16.2%
No Response		1.7%	1.1%
		(n=179)	(n=185)

Other (specify) :

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- QL 7
- Once you have one CB2/MWO
- Cours d'enquêteur AGFL
- PO1/CPO2 when acting as standby for Cox'n or Unit Chief
- CPO2 / SAS course
- 6A level is required, but follow-up training is also required
- PLQ, SLC, SAS,
- M/Cpl
- Every course should have refresher training.
- QL 3 and %'s for the MPs
- 6 month Prior to taking ove the job,
- JLC AND ABOVE
- 5 B
- 5B
- At the PO2/Sgt rank
- Sgt Seminar
- CLC
- TQ7 cours adjum
- At all levels
- QL7
- à partir du C. SOJunior pour familiarisation
- It should be prior to SLC but the MOC 500 series trades do not have 6A or 6B training
- SLC, Pending if their is a 6A crse
- 6A, SLC
- SLC, L'officier President
- SLC, Coxswain's Course as well as it is JIT
- SLC, Cours d'Adjum qui n'existe pas présentement.

- SLC and for navy, Ship's Cox'n Crse
- 6A, An overview should be given on the PLQ.

8. **Is there sufficient reference material to assist you in performing the Military Justice tasks and duties required of you?**

	<u>2001</u>	<u>2002</u>	<u>2003</u>	
Yes		83.8%	88.1%	
No		16.2%	11.9%	>>> Go to
No Response		0.0%	0.0%	
		(n=179)	(n=185)	

8.a) **If you answered "yes" to Question 8, what reference material do you regularly use?**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- - QR & O Vol I
 - Military Justice at the Summary Trial Leve
 - Guide for Accused & Assisting Officers
- - QR & O Vol II
 - Military Justice at the Summary Trial Leve
 - Guide for Accused & Assisting Officers
- B-GG-005-027/AF-011
- B-GG-005-027/AF-011
- BR&O and Military Justice @ Summary Trial (manual) including unit's procedure manual.
- C.Cr, LDN
- CCC, NDA other Police Services acts, QR&O
- CFAO and QROs
- CFAO
 - QR&O
 - Prsiding Officer training Manual
- CFAO
 - QRNO
 - B-GG-OPS-027/AF-011
- CFAO, QR&O, Military Justice at the Summary Trial Level.
- CFAO/QR&O
- CFAO'S
- CFAO's and DAODs.
 - Also assistance from the unit MP's
- CFAOs, QR&Os,
- Cours d'officier president
 - Justice militaire au proces soummaine
 - ORFC et OAFc
- Document Rif

- Fleet school standing orders, QR&O Vol. II, guide for the accused and assistance harassment prevention and resolution guidelines, AJAG(P).
- KNOWLEDGE
- LDN, Droit pénal Général, Code criminel, aide mémoire Les éléments de l'inf différents livres de droit et les jugements des tribunaux qui font des jurisprud
- Le manuel de L'officier Président
- Le RID le vol de discipline , aide mémoire du bureau du JAG.
- Les CD donnés par le system de Jag. CFAO's.
- Les ORFC
- LFAAD
- QR&O
- DAOD
- LITERATURE/advice FROM OTHER sr nco's
- Livre d'étude justice militaire, ORFC
- Manual for Certification Training for Presiding Officers/QR&Os/CFAOs/DA
- Manual of Military Justice at Summary Trial level
- QR&Os
- CFAOs
- Information on the JAG site
- Military Justice at the Summary Trail Level
- Military Justice at the Summary trail level (B-GG-005-027/AF-011)
- Military Justice at the Summary Trial Level
- Military justice at the summary trial level presiding officer training deskbook
- Military Justice at the Summary Trial Level Version 2.0, QR & Os, CFAO< Base and Unit Orders
- Military Justice at The Summary Trial Level
- QR&Os
- Consultation with AJAG staff
- NDA, QR&O, and Guide to Military Summary Trials
- NDA, QR&Os Vol II
- On-line - Jag site and QR &O's VCDS site
- orfc
- ORFC
- ORFC B.GG-005-027/AF-011
- ORFC vol 2 et A-LG-050-0000/AF-001 guide ;a l'intention des accusés et des off désignés pour les aider
- ORFC, OAFC, DAOD, Guide à l'intention des accusés et des officiers designés pour les aider (2002-08-31)
- ORFC, OAFC, Guide Justice Militaire
- ORFC, TROUSSE POUR L'OFFICIER PRÉSIDENT ET NOTE DE MON PRÉDÉCESSEUR
- ORFC,A-LG-050-000/AF-001, Justice Militaire au Procès Sommaire version
- ORFC,et livre de l'officier président
- ORFC; OAFC; le B-GG-005-027/AF-011; aide mémoire procès par voie sommaire (PVS).

- Presiding Officer Hand book
QR&O's
- Presiding officer handbook
- Presiding Officer's training manual, QR&O, Guide for assisting officer and written advice provided by Legal Officer
- Presiding Offrs Aid Memorie
QR &O Vol II
- Q.R. & O, JAG'S Office
- Qno Vol II
- QR & O Vol 2 and
Military Justice at the Summary Trial
- QR & O Vol II
- QR & O's Vol II
- QR & Os
Military Justice at the summary trial volume.
- QR AND O'S
MILITARY JUSTICE TRAINING HANDOUT
- QR& O, Prsiding officer training material
- QR&0
- QR&0'S and CFAO's
- QR&O
- QR&O CFAO
- QR&O , DOADs, Military Justice, Trg
- QR&O explains most things quite clearly
- QR&O on DIN, MJ aid memoire, Presiding Officer Training package.
- QR&O on the Din
- QR&O vol 2
Military Justice at the Summary Tria level
- QR&O Vol 2, Summary Trial Aide Memoire
- QR&O VOL I
Presiding Officers Book
- QR&O Vol II
- QR&O Vol II
- QR&O Vol II and Presiding Officers Certification Manual
- QR&O Vol II
B-GG-005-027/AF-011
CFAO 19-19
- QR&O Vol II, Presiding Offrs ready ref guide
- QR&O vol II, Unit Standing Orders, Base Standing Orders, CF Dress Instructions CFP 265, CFAO's, DOAD's, Guide for Accused/Assisting Officers, Inf QL 7 crse notes, and finally Presiding Officers Crse book
- QR&O
D/JAG office
Any HHQ provided documentation
- QR&O
Military Justice at the Summary Trial Level

- QR&O
 Procedured for Summary Trials
 Unit SOPs
- QR&O, CCC, Handbook for Assisting Officers
- QR&O, CFAO, AJAG advice,
- QR&O, CFAO, Course material from Presiding Officers Course, Assisting Officer Aid Memoire
- QR&O, CFAO, LIVRE DE LA JUSTICE MILITAIRE,
- QR&O, Military Justice at the Summary Trial Level
- QR&O, RIGHTS SHEETS, STATEMENT FORMS, CF78
- QR&O,CFAO,DAOD and training material.
- QR&O.
- QR&Os
- QR&O's
- QR&O's
- QR&O's , Presiding Officers Training Manual
- QR&O's and Presiding Officers Handbook
- QR&Os and the Handout that I received on the Presiding officer Crse
- QR&Os on DIN,
 Presiding Officer handbook is an excellent resource
- QR&Os plus handouts received that have been produced by JAG.
- QR&O's vol I andII
- QR&Os
 Military Justice at The Summary Level
 Martin's Criminal Code
- QR&O's
 Military Justice at the summary level.
- QR&O's
 Presiding Officier Manual
- QR&Os
 Talk directly to the AJAG
- QR&O's, CFAO's and DAOD's, Summary Trial Books
- QR&Os, CFAOs, DAODs, CF Video
- QR&O's, CFAO's, DOAD's, ALL PERTINANT PUBLISHED ORDERS
- QR&Os, CFAOs, MJ at Summary Trial Level
- QR&OS, GUIDE TO THE DIVISIONAL SYSTEM, CSD HAND BOOK,
 PRESIDING OFFICERS BOOK THOUGH MY PREVIOUS COMMENT
 ON POST TRIAL ADMIN FOR COURT MARTIAL IS GERMANE

- QR&Os, Guide to the Military Justice System, Guide to the Divisional System, Presiding Officers Course notes.
- QR&Os, Mil Justice @Summary trial level book (excellent guide.
 AJAG/JAG websites
- QR&O's, Military Justice at the Summary Trial.

- QR&Os, Presiding Officer Training, DAODs, CFAOs, AJAGs, 1CAD JAG CWO, attending proceedings held by other units.
- QR&O's, Unit standing Orders, guide to the assisting officer
- QR+O's
DAOD's
CFAO's
- QR7O
Military Justice at summary trial
- QRNO's
- QRO's & POT handbook
- QRO'S and the B-GG-005-027/AF-011
- QRs & Os and presiding officer training pre course package.
- SUMMARY PROCEEDINGS CHAP 108
QR&O'S
DAOD'S
CFAO'S
MILITARY JUSTICE AT SUMMARY TRIAL LEVEL
- Summary Trial Manual and CD-ROM. Qr&O/DAOD website. Unfortunately the material was dated (older version).
- The DWAN site, the regional AJAG office, and the Wing ADMIN PERS Svcs Officer
- The election to be tried by Summary Trial or court martial.
- The handbook from the certification training officer presiding is a great help. QR&O Vol 2 is also used.
- There is now.
- Tous les ordres pertinens au cas en question et en restant toujours en communication avec le bureau local du JAG.
- Voir réponse à la question 4

9. **Do you obtain legal advice from your unit legal officer before making a decision to lay charges?**

	2001	2002	2003	
Yes		89.4%		>>> Go to C
No		8.4%		
Always			72.4%	>>> Go to C
Sometimes			24.9%	>>> Go to C
Never			2.7%	
No Response		2.2%	0.0%	
		(n=179)	(n=185)	

9.a) **If you answered "never" to Question 9, please explain why.**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- AWOL CHARGES
- I have much more experience in these matters and the AJAG has an office locally which is at my disposal
- In my opinion the chargers I have laid were not complex; however, the AJAG woould review the RDP upon our request.
- No unit legal officer. Must go to Legal Officer within area.
- Nous n'avons pas de conseiller juridique au régiment. Donc je vais avec mon expérience et celle du JAG be la base au besoin.

9.b) **When legal advice is sought, are you satisfied with the level of assistance/guidance provided by your local unit legal advisor?**

	2001	2002	2003
Always		67.6%	67.0%
Sometimes		27.4%	30.8%
Never		0.0%	0.0%
N/A (Never sought legal advice)		4.5%	2.2% >>> Go to C
No Response		0.6%	0.0%
		(n=179)	(n=185)

9.c) **Is the assistance/guidance provided clear and easy to follow?**

	2001	2002	2003
Almost Always		75.9%	77.3%
Sometimes		22.4%	19.9%
Almost Never		0.0%	0.0%
No Response		1.8%	2.8%
		(n=170)	(n=181)

9.d) **How could your legal advisor better assist/guide you?**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- 1. Improve response time.
- 2. Leave administrative action out of disciplinary recommendations
- 9C Should have Always as an answer. I havw always received excellent advise
- À continuer à nous appuyez de la mêmew façon.
- All the legal advisors that I have worked with have provided good advice.
- Assistance is number one.
- Aucune, à ce jour j'ai toujours été satisfait des conseuils reçus.
- Avoir un conseiller juridique au sein du SNEFC au même titre que toutes les grandes organisations policières au pays. Un espèce de services conseils pour le PM
- Be available more often.

- Being up on procedures and current practices. A recommendation to charge with negligence brings an automatic Court Martial. I had to raise this point with my advisor. Timely responses are needed to be able to make this work. Waiting one month almost pushed the trial past the one year mark.
- believe unit advisor has fully met unit requirements and has periodically gone beyond
- By conducting regular refresher briefings.
- By ensuring he/she is keeping current with changes in the Military Legal System.
- By getting MPIR's to us, as CSM's, in a more timely fashion
- By providing a newsletter with various cases and explaining the outcome would help avoid common mistakes
- BY Providing Fast service and avoiding delays stretching into weeks
- By using explanation and terms that all can understand.
- Can't see any areas of improvement. Advice is always straightforward.
- Carry on what they are doing now.
- Clear concise answers in layman's terms.
- Continuer tel quel
- Continuity of the personnel in the position.
- current system works fine
- D'aucune façon
- Délai pour obtenir une réponse ou conseil pourrait être amélioré.
- Develop and implement a less complicated and more functionally objective system.
- Do not have any problem so fare
- Doing a fine job
- Easier access, (They're quite busy)
- EMAIL CONNECTIVITY WHEN DEPLOYED AT SEA IS NOT EQUAL BETWEEN THE FORMATIONS. WHEN THE CJAG IS DEPLOYED ON AN EAST COAST UNIT THEY ARE LACKING THE IT ASSETS AT TIMES TO PROVIDE TIMELY RESPONSES TO LEGAL QUIRIES
- En assistant à une simulation (démonstration) de PVS à l'unité. Nous aurons en février une scéance de dév prof à ce sujet afin de familiariser les disciplinaire et autres pers concernées.
- En donnant des conseils clairs et éliminer les zones grises dans leurs réponses
- En tenant pas compte qu'il devra fournir des explications aux autorités supérieures . Ex un vol de \$ 100.00 ne justifie pas le début de processus d'une cour martiale. Raison le coût de la cour martiale. Donc on nous dit d'aller plutôt du côté administratif. Pas d'accord car je porte les accusations sur l'acte et non sur ce qu'Ottawa décidera.
- Ensure Ref material is available and up to date

- Etre moins vague dans ses propos. Fournir des conseils/orientation plus claire. Même si chaque cas est différent, le conseiller juridique devrait être plus motive à nous aider.
- Êtres plus accessible. Trop souvent nous avons des délais du au manque d'accessibilité.
- Everything is OK like it is now
- Éviter de nous diriger dans une autre direction que de porter des accusations, si nous en avons décider ainsi c'est qu'il y à une raisons de discipline et l'histoire du procès par vois sommaires nous l'indique bien.
- Faster response from Reserve JAG offices is needed to ensure timely provision of Military Justice.
- Faster return of Advice and RDP
- For our unit the only problem (minor) is that the legal advisor is in Winnipeg.
- From my experience the legal advisor has assisted greatly in understanding processes. At the moment other than time spent on the case I don't have any suggestions.
- From my experience they could have not done enough for you. They are very thorough in their advise.
- GET AWAY FROM THE TEXT BOOK SOLUTIONS AND TAKE A LOOK AT ISSUES FROM THE COAL FACE VIEW
- Have more legal advisors available
- Have more legal advisors available
- He could agree with me more often.
- He could enforce into the CO to contact him before he carry on with a decision that may embarasse the unit and the Forces. As the charging authority I am oblige by legality not to discuss any related issues related to the case because he is the presiding officer. Make life very hard!
- He is providing exellent assistance, no complaints at this time.
- Here in Bosnia not a problem. Back in Edmonton takes to long.
- I am very happy with the service provided
- I am very satisfied although I find legal advice "wishy washy" at times and it is easy to get lost in legal jargon.
- I do`n't think they really can, this type of task/job requires hands on training or specific guidance fro the first time.
- I feel that the AJAG officer to whom I speak serves me well. There has never been a time that I have felt pressured to lay or not lay a charge nor has there been time restraints put upon any of my face to face visits.
- I have always received full cooperation and answers to any question posed to them
- Il aurait du m'aviser, et le comandement, en une occasion que l'on pouvait procéder avec une accusation ANNOTÉE.
- Il fait très bien ça
- I'm completely satisfied with the guidance received.
- IT IS GOOD NOW
- Je n'ai rien à ajouter, très satisfaite
- Je suis tres satisfait du support apporter par le conseiller juridique.

- KEEP IT SIMPLE AND TRY NOT TO READ SOMETHING INTO IT .
- le délais est un peu long pour la procédure.
- le moins possible de mettre des réponse dans une zone grise
- Le temps de réponse est trop long
- Military Justice is suppose to be quick, fair and service the purpose of educating mbrs that their actions carry consequences. Legal advisors should not be worried about passing the "Globe & Mail test" on every minor offence. Many soldiers now feel that they won't be charged because the system is so Administrative heavy that leaders won't use it. In other words we have lost faith in the system.
- Moins de complexité, laisser la chance au procès de se dérouler même si la preuve n'est pas la plus idéale.
- More accessible
- More one on one with the person laying the charge. Now the RDP is sent over to the AJAG for review, with his changes returned to the Adjt. In Bosnia, we did one on one, IE MWO with the AJAG and the process goes a lot smoother.
- More open to the members (NIS/Prosecutors) Mtgs more frequent where they foster a better working relationship. exchange of ideas and what the current trends are in the CF and what the Investigators and Prosecutors must face.
- More resources for quicker response times.
- More timely response and to truely assist us and not demonstrate their legal knowledge or
- N/A, The AJAG office is more than helpful in all my visits and requests for assistance.
- NO CHANGE
- None. There was great support from the AJAG CWO.
- Ok comme cela
- On fait souvent affaire avec l'avocat de la base car le niveau d'expérience que nous avons est parfois dépassé dû au fait que nous ne fesons pas souvent de procès par voie sommaire. Alors, dans la plus part des cas que j'ai dû gérer je fesais souvent appel en premier lieu à mes ouvrages de réf.
- Our legal advisor usually has to go to our area JAG for advice. The unit legal advisors need better training.
- plus facile d'approche. mettre un horaire de consultation ex de 9h00 à 9h30 disponible pour répondre aux questions par téléphone ou au bureau 2 x semaines
- Possibly by drafting and issuing Unit SOP's
- Provide advice in a timely manner
- Provide data on types of punishment being handed out for like charges to ensure more consistincy of punishment recommendations to presiding Officers across the Air Force
- Provide information in a more clear manner

- Provide yearly refresher briefings
 - Provide step by step guide to follow
 - Provide updated Assisting Officer guide
- Quicker responses.
- Require more Legal advisers per Bde
- Respond faster with their reviews
- S/O
- s/o
- S/O
- Satisfait de la facon que mon conseiller juridique nous informes
- Sometimes the terminology used is difficult to understand if you don't have a legal background. Finding a simpler way to explain something would be helpful.
- Speak directly to the situation at hand rather than "but if the accused had...."
- speak to me personally, not through a third party
- Speed the process up. It often takes too long to get a complete response.
- Speed up process of returns
- Speed up the time it takes to review RDP
- status quo
- Stop making matter more complicated
- The guidance provided by LCdr XXXXXX was, without a doubt, first rate.

- There is only so much the legal advice can do as the final decisions (the hard part) is still my responsibility.
- They do a great job with legal advise. It's more of a time matter. To long between sending and receiving information some times. Due to the fact that we go through Toronto which is very busy.
- They need to better understand the discipline system in an army unit. On a lot of occasions it takes a lot of explaining and argueing to explain why we need to charge someone. We know our soldiers a lot better than they do. In a lot of cases charges are warranted to guide our soldiers down the right path as well as send a message to others. In some cases as well we are saving the careers of these soldiers.
- This unit enjoys excellent support from the AJAG's office at CFB Esquimalt.
- To be current with regulation and policies and publication required to assits and also some experience in the proceedings.
- To have a quicker answer and not to look heavily at charges as to if there could be a courtmartial option decideing as a go ahead.
- Turn around time is the biggest problem for review of files. Having said that, it is due to reduced mainpower resourses at our local AJAG. And using what resourses they have they do a great job.

- Understand that we, as charging authorities, are not lawyers and the Summary Trial process is designed to take care of minor Military infractions which enhances unit moral, and it is not the Criminal Code of Canada. Too many legal questions are demanded of a simple charge laid under QR & O vol II Chapter 103 Discipline.
- Understand what happens when the process is too slow.
- Very pleased with the assistance I have received
- We presently do not have a legal advisor in CFB Borden. This has slowed the process of laying charges and ST considerably when the Toronto legal advisor needs to view MP reports and other documents used as evidence to lay charges. This was not a problem until lately when we had a legal advisor in Borden. Assistance/guidance is provided adequately fast enough for simple charges which only require us to communicate through e-mail/telephone.

9.e) **Is the assistance/guidance provided in a timely manner?**

	2001	2002	2003
Yes		73.7%	78.4%
No		19.0%	16.2%
No Response		7.3%	5.4%
		(n=179)	(n=185)

Do you agree with the following statement: "The Summary Trial procedures are fair to the accused"?

	2001	2002	2003
Strongly Agree		63.7%	
Agree		32.4%	
Disagree		2.8%	
Strongly Disagree		0.6%	
No Response		0.6%	
		(n=179)	

10. **Is the charging document (Record of Disciplinary Proceedings CF 78) easy to use?**

	2001	2002	2003
Yes		93.3%	89.2% >>> Go to C
No		6.1%	9.7%
No Response		0.6%	1.1%
		(n=179)	(n=185)

10.a) **If you answered "no" to Question 10, please explain**

[Unless indicated otherwise, the following represents the exact quotes from the survey.]

- The margins of section 1 are set outside the printable area of the page
- Current CF78 is in a template formate, which is always trying to access A-drive. Requiring it to be only saved on floppy is understandable, but current set up is annoying.
- it was a bit confusing at first but we did get everything correct
- There are some details which are not indicated on the form such as providing a phone number. Can't remember which at the moment - ombudsman?, advisor? Was told after the fact. Should have a flow chart with all the requirements detailed.
- I try to use the online version but I have trouble saving it on my harddrive.
- Needs to be re-tooled. More user friendly
- The document itself is easy. However the soft copy (MS word version) does not work equally well on all Word processing platform. On some it will not work at all.
- la formulaire est claire mais ce sont les macros de la formule qui prennent un certains temps à être apprivoiser
- THE MARCO ON THE DIN ARE HARD TO USE THE INFO DOESN'T GO IN VERY EASY. THE RDP MUST BE REPRODUCED IN THE UNIT.
- CAN BE SOMEWHAT CUMBERSOME MOVING BETWEEN DATA FIELDS TO ENTER INFORMATION. FOR SOME IT IS NOT INTUITIVE ENOUGH
- The online version takes some doctoring to fill in on some versions of Word - also, as it is filled in each section at a different time, it either needs to be reprinted and the signatures reproduced, or filled in by ink after the original laying of the charge.
- This document exists on the DIN in a read only format which req certain macros to be disabled. This should be more easily accessable.
- Pourrait surement être simplifié ou avoir des formules différentes pour cas mineur versus cour martiale
- It has been simplified in recent years, but drafting the charges is complex and the form can not be saved for editing after a correction is required. I would suggest something along the lines of an Ontario Provincial Offences Notice, where the charge section and title is named and the specifics can be brought out in evidence. Alternatively, the charge could be drafted to read much simpler by stating the offence and the date similar to an information in criminal court.
- Sometimes takes weeks to get RDP through the system
- UNCLEAR OF THE STEPS TO FOLLOW
- Most often the problem arrises with the macro designed to fill the doc, other parts are unclear, but from what some people have told me, the presiding officers course help them out.

11. How often has an incident led to both administrative and disciplinary action?

	2001	2002	2003
Almost Always		14.0%	12.4%
Sometimes		64.8%	71.9%
Almost Never		19.6%	15.7%
No Response		1.7%	0.0%
		(n=179)	(n=185)

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