

Survey on the Summary Trial Process

2004					
Number of Respondents	Mail	On-Line	Total	% of Total	% On-Line
Accused	17	76	93	11.7%	81.7%
Assisting Officer	21	163	184	23.1%	88.6%
Presiding Officer	16	139	155	19.5%	89.7%
Commanding Officer	6	157	163	20.5%	96.3%
Review Authority	0	7	7	0.9%	100.0%
Charging Authority	6	188	194	24.4%	96.9%
Total	66	730	796	100.0%	91.7%

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%

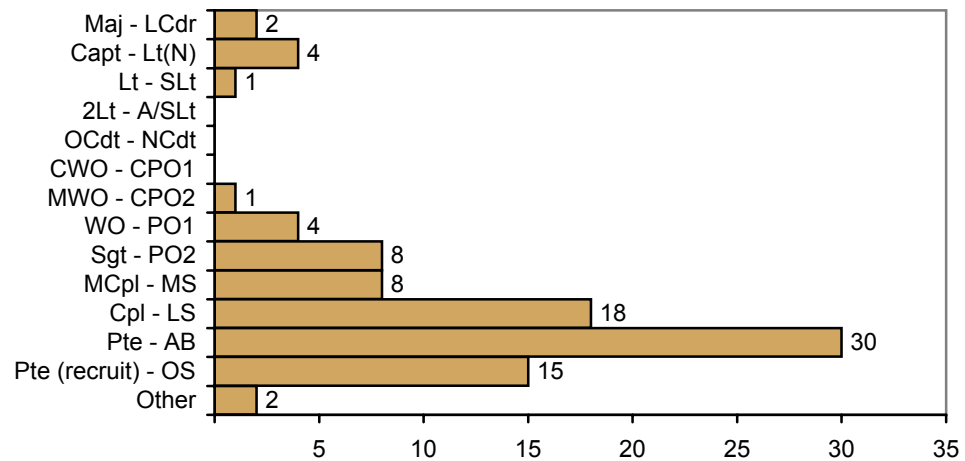
2001					
Number of Respondents	Mail	On-Line	Total	% of Total	% On-Line
Accused	15	58	73	9.5%	79.5%
Assisting Officer	22	169	191	24.8%	88.5%
Presiding Officer	31	220	251	32.6%	87.6%
Commanding Officer	27	205	232	30.2%	88.4%
Review Authority	4	18	22	2.9%	81.8%
Total	99	670	769	100.0%	87.1%

Accused

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2004	17	76	93	18.3%	81.7%
2003	46	94	140	32.9%	67.1%
2002	16	41	57	28.1%	71.9%
2001	15	58	73	20.5%	79.5%

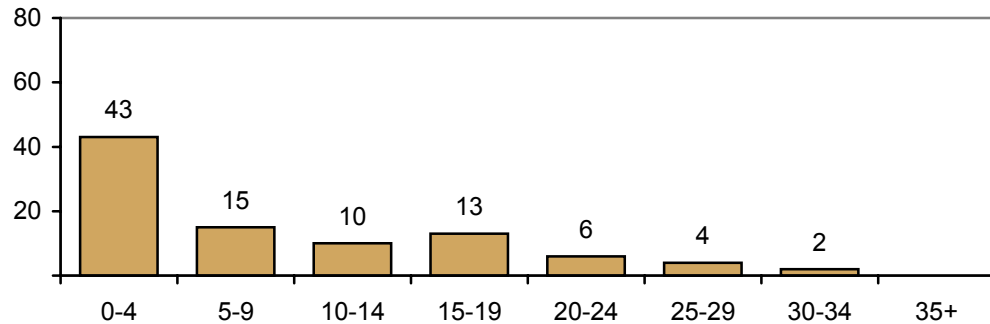
Section 1: Profile

1. What is your present rank?



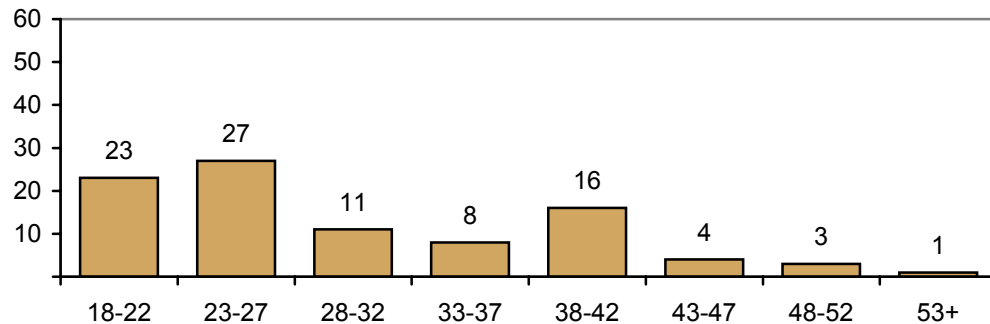
		2001	2002	2003	2004
Sr Officers	Maj - LCdr	1.4%	0.0%	0.7%	2.2%
Jr Officers	Capt - Lt(N)	1.4%	8.0%	3.0%	4.3%
	Lt - SLt	4.2%	0.0%	0.0%	1.1%
	2Lt - A/SLt		4.0%	1.5%	0.0%
Subr Officers	OCdt - NCdt	4.2%	8.0%	0.7%	0.0%
NCM	CWO - CPO1	1.4%	0.0%	0.7%	0.0%
	MWO - CPO2	0.0%	2.0%	0.7%	1.1%
	WO - PO1	1.4%	4.0%	2.2%	4.3%
	Sgt - PO2	16.9%	12.0%	8.1%	8.6%
	MCpl - MS	19.7%	4.0%	5.9%	8.6%
	Cpl - LS	29.6%	40.0%	29.6%	19.4%
	Pte - AB	16.9%	16.0%	40.7%	32.3%
	Pte (recruit) - OS			5.2%	16.1%
Appointments	Other	2.8%	2.0%	0.7%	2.2%
		(n=71)	(n=50)	(n=135)	(n=93)

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



	2001	2002	2003	2004
0-4	29.6%	28.0%	47.4%	46.2%
5-9	9.9%	24.0%	17.0%	16.1%
10-14	19.7%	16.0%	14.1%	10.8%
15-19	21.1%	8.0%	11.9%	14.0%
20-24	12.7%	14.0%	5.2%	6.5%
25-29	4.2%	10.0%	2.2%	4.3%
30-34	2.8%	0.0%	0.7%	2.2%
35+			1.5%	0.0%
	(n=71)	(n=50)	(n=135)	(n=93)

3. How old are you?



	2001	2002	2003	2004
18-22	16.9%	30.0%	35.1%	24.7%
23-27	16.9%	20.0%	25.4%	29.0%
28-32	11.3%	10.0%	9.0%	11.8%
33-37	26.8%	14.0%	14.2%	8.6%
38-42	21.1%	16.0%	11.2%	17.2%
43-47	4.2%	10.0%	3.7%	4.3%
48-52	2.8%	0.0%	0.0%	3.2%
53+			1.5%	1.1%
	(n=71)	(n=50)	(n=134)	(n=93)

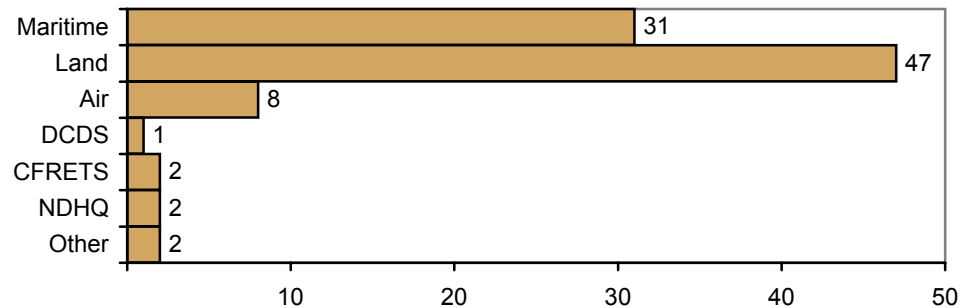
4. Are you:

	2001	2002	2003	2004
Male	91.4%	92.0%	93.3%	91.4%
Female	8.6%	8.0%	6.7%	8.6%
	(n=70)	(n=50)	(n=135)	(n=93)

5. What is your first official language?

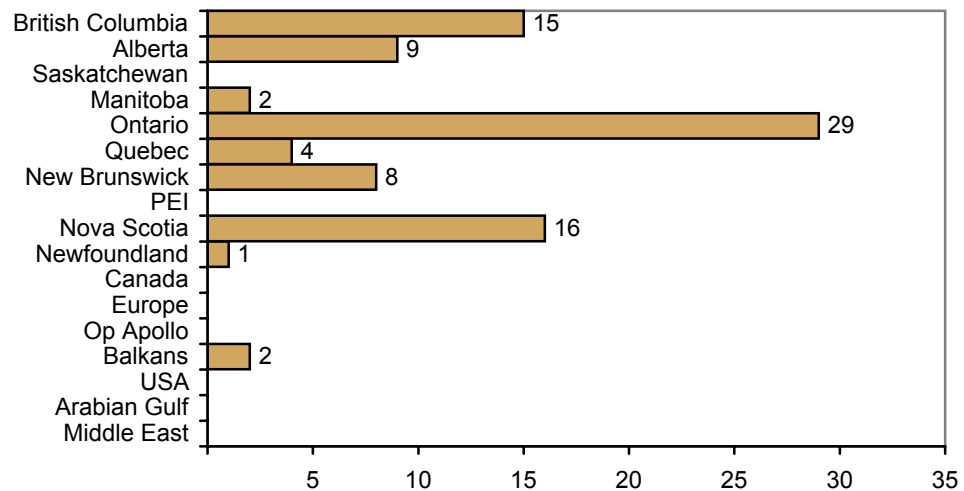
	2001	2002	2003	2004
English	76.1%	58.0%	83.7%	88.2%
French	23.9%	42.0%	16.3%	11.8%
	(n=71)	(n=50)	(n=135)	(n=93)

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



	2001	2002	2003	2004
Maritime	29.0%	18.0%	20.0%	33.3%
Land	42.0%	40.0%	54.8%	50.5%
Air	15.9%	32.0%	20.0%	8.6%
DCDS (Deployed Operations)	0.0%	0.0%	1.5%	1.1%
CFSTG (Training)	8.7%	10.0%	3.0%	2.2%
NDHQ	4.3%	0.0%	0.0%	2.2%
Other	0.0%	0.0%	0.7%	2.2%
	(n=69)	(n=50)	(n=135)	(n=93)

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



	2001	2002	2003	2004
British Columbia	25.4%	8.0%	11.9%	16.5%
Alberta	16.9%	6.0%	10.4%	9.9%
Saskatchewan	1.4%	0.0%	0.0%	0.0%
Manitoba	0.0%	4.0%	5.2%	2.2%
Ontario	28.2%	34.0%	47.0%	31.9%
Quebec	15.5%	22.0%	9.0%	4.4%
New Brunswick	1.4%	4.0%	3.7%	8.8%
PEI	0.0%	0.0%	0.0%	0.0%
Nova Scotia	7.0%	10.0%	8.2%	17.6%
Newfoundland	0.0%	4.0%	0.0%	1.1%
Canada		2.0%	0.0%	0.0%
Europe			2.2%	0.0%
Op Apollo		2.0%	0.0%	0.0%
Balkans	4.2%	2.0%	0.0%	2.2%
USA				1.1%
Arabian Gulf Region & SW Asia				4.4%
Middle East	0.0%	2.0%	2.2%	0.0%
	(n=71)	(n=50)	(n=134)	(n=91)

Section 2: Process

1. Did you request a specific Assisting Officer?

	2001	2002	2003	2004
Yes	55.6%	47.4%	37.9%	46.2%
No	44.4%	52.6%	62.1%	53.8% >> Go to Q.2
	(n=72)	(n=57)	(n=140)	(n=93)

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

	2001	2002	2003	2004
Yes	80.0%	74.1%	73.6%	81.4% >> Go to Q.3
No	17.5%	25.9%	26.4%	16.3%
No Response	2.5%	0.0%	0.0%	2.3%
	(n=40)	(n=27)	(n=53)	(n=43)

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

	2001	2002	2003	2004
Yes	89.7%	97.3%	96.0%	96.5% >> Go to Q.3
No	7.7%	2.7%	2.0%	3.5%
No Response	2.6%	0.0%	2.0%	0.0%
	(n=39)	(n=37)	(n=101)	(n=57)

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

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

- At my first trial I had asked that my WO be my Assisting Officer. That request was denied but I was given a suitable replacement. When charged with a second round I was not informed of the charges let alone assigned an assisting officer.
- i was unasure whether or not i needed one at the time

3. **Were you offered the choice to be tried by court martial?**

	2001	2002	2003	2004
Yes	54.2%	68.4%	46.4%	57.0%
No	44.4%	31.6%	53.6%	43.0% >> Go to Q.4
No Response	1.4%	0.0%	0.0%	0.0%
	(n=72)	(n=57)	(n=140)	(n=93)

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?**

	2001	2002	2003	2004
Yes	80.0%	84.6%	76.9%	79.2% >> Go to Q.4
No	15.0%	10.3%	20.0%	15.1%
No Response	5.0%	5.1%	3.1%	5.7%
	(n=40)	(n=39)	(n=65)	(n=53)

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

	2001	2002	2003	2004
Yes	0.0%	0.0%	23.1%	37.5%
No	85.7%	100.0%	69.2%	62.5% >> Go to Q.4
No Response	14.3%	0.0%	7.7%	0.0%
	(n=7)	(n=4)	(n=13)	(n=8)

3.c) **If you answered "yes" to Question 3.b, was more time granted?**

	<u>2004</u>
Yes	66.7% >> Go to Q.4
No	33.3%
No Response	0.0%
	(n=3)

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

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

- I have NO Idea, I was just told that I needed to have an answer in by this date.

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>2003</u>	<u>2004</u>
Yes	83.6%	82.8%
No	14.3%	15.1%
No Response	2.1%	2.2%
	(n=140)	(n=93)

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

	<u>2003</u>	<u>2004</u>
Yes	82.1%	83.9%
No	16.4%	15.1%
No Response	1.4%	1.1%
	(n=140)	(n=93)

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

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Yes	80.6%	80.7%	81.4%	81.7%
No	19.4%	17.5%	16.4%	16.1%
No Response	0.0%	1.8%	2.1%	2.2%
	(n=72)	(n=57)	(n=140)	(n=93)

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.]

- THIS HAPPENED IN 83 THINGS WERE DIFFFERENT THEN
- I am not sure why I was not given the information regarding witnesses
- Je les ai eu seulement quelques heures précédent le procès.
- AUCUN RENSEIGNEMENT FOURNIE SUR LA PLAINTE
- they had lost the information.
during my trial they brought in a witness at the last minute and when asked why he was not on the witness list they replied the had made a mistake and left his name off by mistake. they also said they were within their righ
- A witness was brought in who was not on the witness list. I was also given the witness list one (1) day prior to the summary trial. The CWO who charged me did not provide all relevant documentation, I was only supplied with the Summaary Investigation Re
- I was not able to read the MP report myself. However my assisting officer was
- personne ne m'à dit le rapport avec un procès sommaire
- At my Summary Trial the Victim of my alledged crime testified. He had given any kind of statement and I had not been informed of his testifying against me. It seemed a lot like a procedural ambush. It was their own fault the witness was of poor credibilit
- It was a kangaroo court - my regiment's summary trials are all the same, they already decided you were guilty - the actual summary trial itself is just a show. A means by which they can say they followed the book. I was told I was being charged for a particular offence, was brought before my sergeant major, next day I was in the OC's office and found guilty. I don't know why none of the info was given to me but it wasn't - I can only assume that my superiors figure that Troopers don't need to know the
- There was a statement given that was not noted or the individual named as a witness however, I believe this statement may have been viewed by the Presiding Officer which may or would have left doubt to whether or not he was biased in his decision.
- A M/P Report which my assiting officer and myself felt would have a direct impact on the outcome of my trial was with held from me.
- In the Testimony in the pre investigation I was barely mentioned and the once it came to trial the witnesses statements became much more damning. There was no proof to say I was guilty only he said she said and I was convicted of drunkenness in Afghanistan. No actual proof just her word against mine 2 months after the incident.
- In a letter written to the witnessess spouse she detailed things she would like to do to one of the co-accused including smashing his head in with a hammer. Although this was blacked out prior to us recieving it you could still make out the words. This should have been left to show the witnessess animosity towards an accused.
- Didn't get to see the pictures held against me

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

	2001	2002	2003	2004	
Yes	91.7%	86.0%	93.6%	91.4%	>> Go to Q.6
No	8.3%	14.0%	5.0%	7.5%	
No Response	0.0%	0.0%	1.4%	1.1%	
	(n=72)	(n=57)	(n=140)	(n=93)	

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

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

- i'm just used to woking in english
- THEY DON'T SPEAK IT.
- It was assumed.
- because my superiors are not bilingual at my work !!!!!!!
- The Trial had been pending for 4 months and I was tired of waiting. I felt in order for them to gather a french staff for the trial would take to long and increase my stress factor here over seas.
- Par respect pour la plupart des gens present au proces et concerne par cette affaire qui sont anglais et aussi parceque je suis sur une base anglaise et que une langue ou l'autre ne font aucune difference pour moi.

6. **Did you ask for a lawyer to represent you at your summary trial?**

	2001	2002	2003	2004
Yes	6.9%	3.5%	6.4%	8.6%
No	91.7%	93.0%	92.9%	89.2% >> Go to Q.7
No Response	1.4%	3.5%	0.7%	2.2%
	(n=72)	(n=57)	(n=140)	(n=93)

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

	2001	2002	2003	2004
Yes	40.0%	50.0%	33.3%	62.5%
No	60.0%	50.0%	44.4%	25.0%
No Response	0.0%	0.0%	22.2%	12.5%
	(n=5)	(n=4)	(n=9)	(n=8)

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	2004
Yes	79.2%	73.7%	76.4%	75.3%
No	18.1%	22.8%	20.0%	20.4%
No Response	2.8%	3.5%	3.6%	4.3%
	(n=72)	(n=57)	(n=140)	(n=93)

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	2004
Yes	72.2%	77.2%	77.1%	74.2%
No	15.3%	12.3%	13.6%	12.9%
N/A (found not guilty)		5.3%		
No Response	12.5%	5.3%	9.3%	12.9%
	(n=72)	(n=57)	(n=140)	(n=93)

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

	2001	2002	2003	2004
Strongly Agree	36.1%	45.6%	38.6%	41.9%
Agree	43.1%	31.6%	37.9%	33.3%
Disagree	8.3%	15.8%	9.3%	11.8%
Strongly Disagree	6.9%	5.3%	12.9%	9.7%
No Response	5.6%	1.8%	1.4%	3.2%
	(n=72)	(n=57)	(n=140)	(n=93)

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

	2001	2002	2003	2004
Yes	47.2%	47.4%	45.0%	46.2%
No	52.8%	50.9%	54.3%	50.5% >> Go to Q.12
No Response	0.0%	1.8%	0.7%	3.2%
	(n=72)	(n=57)	(n=140)	(n=93)

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

	2001	2002	2003	2004
Assisting Officer	50.0%	40.7%	58.7%	60.5%
Presiding Officer	5.9%	7.4%	3.2%	4.7%
Commanding Officer	2.9%	7.4%	1.6%	0.0%
Other	20.6%	44.4%	27.0%	32.6%
No Response	20.6%	0.0%	9.5%	2.3%
	(n=34)	(n=27)	(n=63)	(n=43)

12. **Did you request a review of the outcome of the summary trial?**

	2001	2002	2003	2004
Yes	5.6%	7.0%	5.0%	4.3%
No	93.1%	89.5%	93.6%	91.4% >> Go to End of Section
No Response	1.4%	3.5%	1.4%	4.3%
	(n=72)	(n=57)	(n=140)	(n=93)

- 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	2004
Sentence		50.0%	0.0%	25.0%
Findings		0.0%	42.9%	50.0%
Both		50.0%	42.9%	25.0%
No Response		0.0%	14.3%	0.0%
		(n=4)	(n=7)	(n=4)

12.b) **Did you ask for someone to be appointed to assist you in submitting your request for review?**

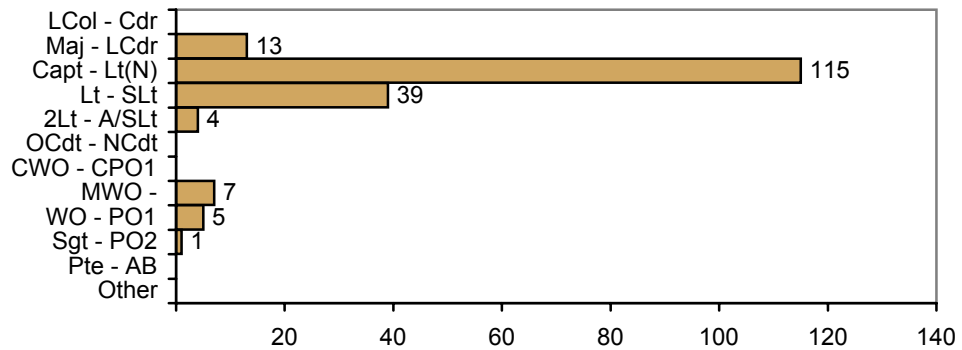
	2001	2002	2003	2004
Yes	4.2%	0.0%	71.4%	25.0%
No	23.6%	100.0%	28.6%	75.0%
No Response	72.2%	0.0%	0.0%	0.0%
	(n=72)	(n=4)	(n=7)	(n=4)

Assisting Officer

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2004	21	163	184	11.4%	88.6%
2003	46	182	228	20.2%	79.8%
2002	36	148	184	19.6%	80.4%
2001	22	169	191	11.5%	88.5%

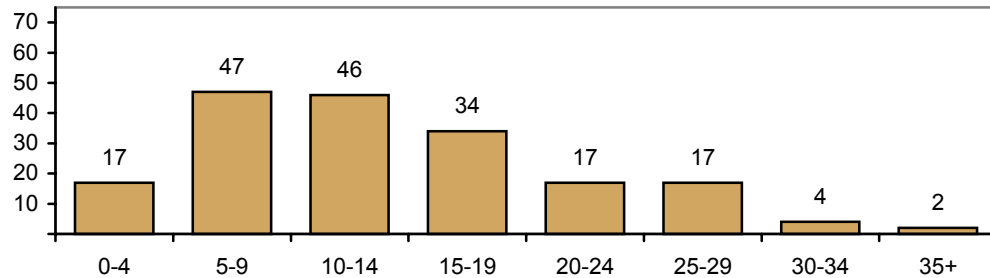
Section 1: Profile

1. What is your present rank?



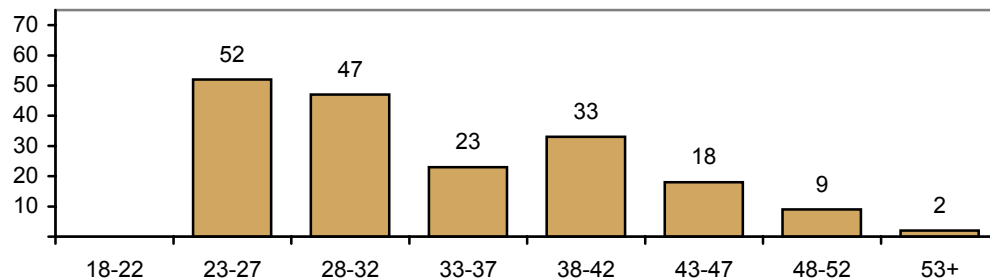
		2001	2002	2003	2004
Sr Officers	LCol - Cdr	0.0%	1.1%	0.4%	0.0%
	Maj - LCdr	6.8%	13.1%	8.0%	7.1%
Jr Officers	Capt - Lt(N)	55.3%	63.9%	60.4%	62.5%
	Lt - SLt	28.4%	12.6%	20.4%	21.2%
	2Lt - A/SLt		2.7%	5.3%	2.2%
Subr Officers	OCdt - NCdt	0.0%	0.0%	0.0%	0.0%
NCM	CWO - CPO1	2.1%	0.5%	0.0%	0.0%
	MWO - CPO2	2.6%	2.7%	0.9%	3.8%
	WO - PO1	4.2%	3.3%	3.6%	2.7%
	Sgt - PO2				0.5%
Appointments	Pte - AB	0.5%	0.0%	0.4%	0.0%
	Other	0.0%	2.0%	0.4%	0.0%
		(n=190)	(n=183)	(n=225)	(n=184)

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



	2001	2002	2003	2004
0-4	3.2%	2.7%	7.6%	9.2%
5-9	18.5%	18.0%	25.3%	25.5%
10-14	31.7%	25.1%	24.0%	25.0%
15-19	19.6%	24.0%	19.6%	18.5%
20-24	11.6%	13.7%	11.6%	9.2%
25-29	9.5%	8.7%	7.6%	9.2%
30-34	4.2%	7.1%	4.0%	2.2%
35+	1.6%	0.5%	0.4%	1.1%
	(n=189)	(n=183)	(n=225)	(n=184)

3. How old are you?



	2001	2002	2003	2004
18-22	2.1%	0.0%	0.9%	0.0%
23-27	17.4%	16.4%	19.6%	28.3%
28-32	24.2%	19.7%	25.3%	25.5%
33-37	19.5%	20.2%	20.0%	12.5%
38-42	17.4%	19.1%	16.4%	17.9%
43-47	11.1%	15.8%	12.4%	9.8%
48-52	7.9%	6.0%	3.1%	4.9%
53+	0.5%	2.7%	2.2%	1.1%
	(n=190)	(n=183)	(n=225)	(n=184)

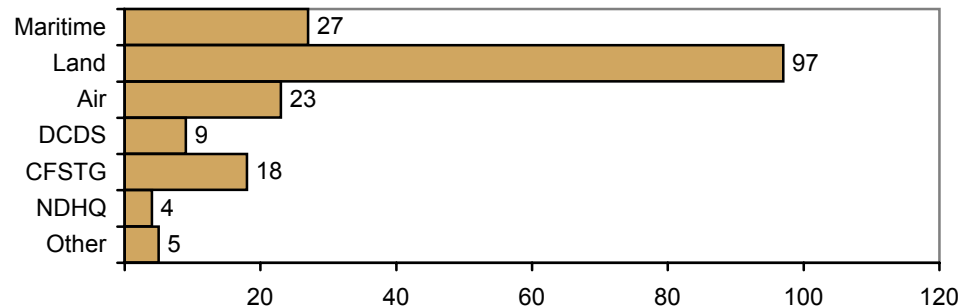
4. Are you:

	2001	2002	2003	2004
Male	88.4%	93.4%	89.3%	90.2%
Female	11.6%	6.6%	10.7%	9.8%
	(n=190)	(n=183)	(n=225)	(n=183)

5. What is your first official language?

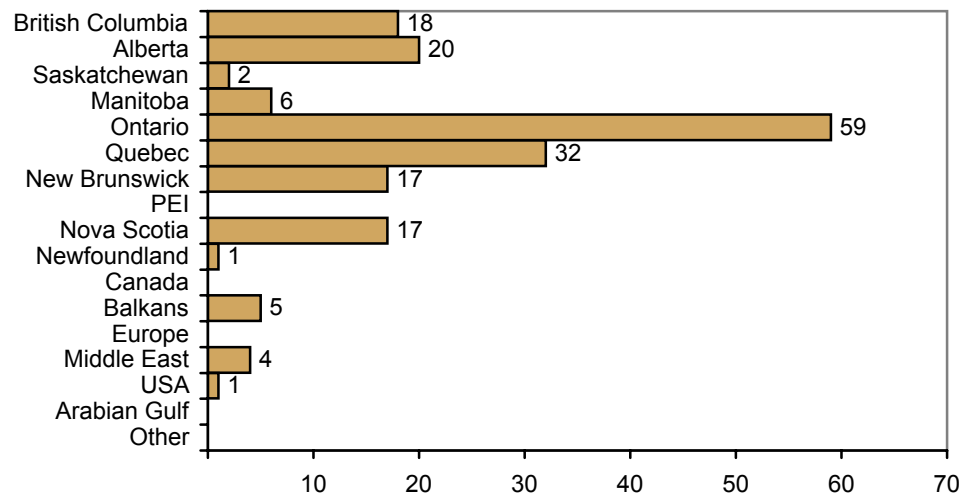
	2001	2002	2003	2004
English	68.9%	74.9%	71.1%	72.3%
French	31.1%	25.1%	28.9%	27.7%
	(n=190)	(n=183)	(n=225)	(n=184)

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



	2001	2002	2003	2004
Maritime	17.4%	10.9%	11.6%	14.8%
Land	49.5%	59.0%	60.4%	53.0%
Air	13.7%	14.2%	17.3%	12.6%
DCDS (Deployed Operations)	1.6%	0.0%	0.9%	4.9%
CFSTG (Training)	13.2%	0.0%	6.7%	9.8%
NDHQ	1.6%	1.1%	0.9%	2.2%
Other	3.2%	1.1%	2.2%	2.7%
	(n=190)	(n=183)	(n=225)	(n=183)

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



	2001	2002	2003	2004
British Columbia	15.8%	7.7%	10.7%	9.8%
Alberta	7.9%	12.0%	9.8%	10.9%
Saskatchewan	1.1%	0.0%	0.0%	1.1%
Manitoba	2.1%	3.3%	3.6%	3.3%
Ontario	34.2%	41.0%	40.9%	32.2%
Quebec	21.1%	16.9%	20.9%	17.5%
New Brunswick	6.8%	7.1%	5.3%	9.3%
PEI	0.5%	0.0%	0.0%	0.0%
Nova Scotia	6.3%	5.5%	5.8%	9.3%
Newfoundland	1.1%	1.6%	0.0%	0.5%
Canada			0.4%	0.0%
Balkans	1.6%	3.3%	0.9%	2.7%
Europe	1.6%	0.0%	1.3%	0.0%
Middle East	0.0%	1.1%	0.0%	2.2%
USA	0.0%	0.5%	0.0%	0.5%
Arabian Gulf Region & SW Asia				0.5%
Other			0.4%	0.0%
	(n=190)	(n=183)	(n=225)	(n=183)

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?

	2003	2004
Yes	96.4%	97.8%
No	3.6%	2.2%
No Response	0.0%	0.0%
	(n=225)	(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, as well as any other information that was available and tended to show that the Accused did not commit the offence c

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

>> Go to Q.2

- 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?

	2003	2004
Yes	83.6%	85.3%
No	16.4%	14.7%
No Response	0.0%	0.0%
	(n=225)	(n=184)

- 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.]

- the accused had admitted to the facts.
- It took two (2) memorandums to the Presiding Officer to have full disclosure, over a six (6) month period. Even when disclosure was made, I did not feel like all the relevant documents were made available.
- With more time afforded the accused could have produced further evidence that tended to show he did not commit the offence, however, with confidence of mind and a reasonable amount of evident to show they did not commit the offence, the trial proceeded. The Charge Laying Authority had much more time preparing her case then the accused had to defend himself.
- The information provided clearly showed that the Accused did commit the offence.
- The accused freely admitted his guilt and answering yes to question 1a would be misleading.
- The accused did commit the offence and admitted to it.
- The accused did not contest the offence

- There was no evidence available of this nature.
- The charges read so specific that it would have hard to prove but the accused admitted to particulars during the investigation.
- The accused did commit the offence and admitted to it
- It was clearly evident that he did it.
- accused did receive all information that was available that showed he did commit the offence with which he was charged
- All the evidence suggested that he did commit the offence.
- Only evidence that would find him guilty was provided. Absolutely no effort was made to find evidence in his favour
- There was no evidence to show that the Accused did not commit the offence
- The member lied about the offence, and then later admitted to his wrong doing; there was no evidence to prove him innocent.
- The accused received all the info avail but in the end he was even admitting to the charge.
- The Regt continually with holds pertinent information or worse references material related to the accused's previous cases
- Quite the opposite, the information that was aval, particularly the photos from the MP report showed the Accused did commit the offence. The Accused admitted in a video taped interview that he was responsible.
- The accused admitted to the offence in his statement.
- Accused admitted guilt
- Copies of memos, warnings, and Div notes were not provided to the member. I had to go looking for them.
- The evidence tended to show the accused did commit the offence charged.
- Evidence provided substantiated accused's guilt.
- Mbr was charged based on Medical Officer's assessment. Mbr's medical doctor was unavailable to attend summary trial and the military has limited influence on civilian (non-DND) doctors.

2. **Was the Accused offered the choice to be tried by court martial?**

	2001	2002	2003	2004
Yes	70.7%	72.8%	58.7%	51.1%
No	27.7%	26.6%	40.4%	48.9% >> Go to Q.3
No Response	1.6%	0.5%	0.9%	0.0%
	(n=191)	(n=184)	(n=225)	(n=184)

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	2004
Yes	97.8%	93.3%	98.5%	96.8% >> Go to Q.2.c
No	1.5%	2.2%	0.8%	1.1%
No Response	0.7%	4.5%	0.8%	2.1%
	(n=135)	(n=134)	(n=132)	(n=94)

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 did not know he was going to be offered the choice. I thought he was charged with one of the five charges without election.

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	2004
Yes	71.7%	91.8%	93.9%	91.5% >> Go to Q.2.e
No	2.1%	5.2%	4.5%	7.4%
No Response	26.2%	3.0%	1.5%	1.1%
	(n=191)	(n=134)	(n=132)	(n=94)

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.]

- He had not been informed that he would be offered the choice. I was not present when he was, and did not find out until during the Summary Trial. I did nothing about the omission.
- Mbr was given 24 hours but given the time zone difference, it was difficult for mbr to contact a lawyer. Minimum time was allotted as Chain of Command wanted the trial over with ASAP.
- Located in Bosnia, with the only JAG remaining aloof to allow him to be consulted by the CO if required for review
- IMO 24 hours is NOT sufficient time
- The accused had already admitted guilt and did not want it to go farther.
- Unit deployed in an operational theater at sea. Lawyers were not readily available. The process was clearly explained to the Accused and it was made clear that if the Accused was unhappy with this process, it would be made known to the presiding officer and suitable arrangements would be instituted to delay the trial or provide the Accused with help via telephone or email. The Accused was aware of the requirements and opted to proceed without the advice of legal counsel.
- I was presented with 5 cases for summary trial which were to be conducted the following day. The accused were supporting an exercise and returning home the next day, after several weeks away from home. The latter tended to pressure them in opting for the trial the next day rather than the following week even though they had the option. This would not have been an issue if I had been informed prior of my participation as AO (I informed of the potential for such involvement 2 1/2 weeks prior).

2.e) **Was a lawyer contacted about the choice to proceed by summary trial or court martial?**

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Yes	24.6%	39.6%	32.6%	34.0%
No	49.7%	53.7%	56.8%	51.1% >> Go to Q.3
Don't Know		4.5%	9.1%	12.8% >> Go to Q.3
No Response	25.7%	2.2%	1.5%	2.1%
	(n=191)	(n=134)	(n=132)	(n=94)

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

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Military	85.1%	84.9%	86.0%	96.9%
Civilian	8.5%	13.2%	7.0%	0.0%
Don't Know		0.0%	7.0%	0.0%
No Response	6.4%	1.9%	0.0%	3.1%
	(n=47)	(n=53)	(n=43)	(n=32)

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

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Yes	77.5%	84.2%	86.7%	84.2% >> Go to Q.4
No	22.5%	15.2%	12.0%	15.8%
No Response	0.0%	0.5%	1.3%	0.0%
	(n=191)	(n=184)	(n=225)	(n=184)

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

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

- The accused was acquitted.
- Forgot to mention this MJ process
- Was not required as member was found not guilty of the charge
- I was not aware that a review could be requested
- I did not know that was part of my job. I have since taken the Presiding Officer Certification Training, and realize that it is.
- was Not aware of this
- N'y ai pas pensé.
- The accused acknowledged guilt and his responsibilities related to the incident.
- he was there & he pleaded guilty
- unaware that this was available
- He got off with a caution. The sentence was incredible light, he could not do better, and in fact, a review could have gone very badly for him.
- I did not know that he had to be explicitly informed of that right.
- I was not aware this was available for minor offences.

- Accused was insistent that 'everyone in the unit was against him' and that a summary trial would not be fair, so was determined to elect court martial no matter what he was told. In addition, accused was quite arrogant that he knew 'the system' much more effectively than anyone else and never really listened to anything the assisting officer said.
- The outcome of the summary trial was in favour of the Accused and therefore no review of appeal of the outcome was necessary.
- I glanced over that section when I told him to head up on the process. He should therefore have known it was an option. Ultimately, he knew he was guilty, and was happy that what he got was all he got.
- Was not aware of the option.
- Decision was in the Accused's favour
- The accused understood what he had done wrong and did not ask about it
- Unaware of that
- Because he admitted to the offence.
- Didn't realize it.
- je croyais que la décision d'un procès par voie sommaire était final sauf par redressement de grief
- absence sans permission
- Because of the circumstances, the member was happy with the verdict and no further career action would be taken.
- je n'étais pas au courant
- Both trials member was clearly guilty of offence.
- I was not aware that was possible; except to complain about the sentence.

4. **Did the Accused ask to be represented by a lawyer at the summary trial?**

	2001	2002	2003	2004
Yes	1.0%	1.6%	0.4%	2.7%
No	97.9%	98.4%	97.3%	97.3% >> Go to Q.5
No Response	1.0%	0.0%	2.2%	0.0%
	(n=191)	(n=184)	(n=225)	(n=184)

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

	2001	2002	2003	2004
Yes	50.0%	66.7%	0.0%	0.0%
No	50.0%	33.3%	100.0%	60.0%
No Response	0.0%	0.0%	0.0%	40.0%
	(n=2)	(n=3)	(n=1)	(n=5)

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	2004
Yes	92.7%	94.0%	94.2%	91.8%
No	2.6%	5.4%	4.9%	7.1%
No Response	4.7%	0.5%	0.9%	1.1%
	(n=191)	(n=184)	(n=225)	(n=184)

6. Was the Accused found guilty?

	2001	2002	2003	2004
Yes	87.4%	91.8%	87.6%	90.8%
No	7.3%	7.1%	11.6%	8.2% >> Go to Q.7
No Response	5.2%	1.1%	0.9%	1.1%
	(n=191)	(n=184)	(n=225)	(n=184)

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	2004
Yes		87.0%	81.7%	79.0% >> Go to Q.7
No		4.7%	5.6%	6.6%
N/A (no argument or evidence presented)		4.1%	7.1%	11.4% >> Go to Q.7
No Response		4.1%	5.6%	3.0%
		(n=169)	(n=197)	(n=167)

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

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

- He was clearly guilty and wanted to accept the consequences.
- L'officier président n'a pas laissé de temps, il a prononcé la sentence tout de suite après le jugement.
- L'accusé était d'accord avec les preuves présenté et était d'accord avec le chef d'accusation et se reconnaissait coupable
- Although I did present an argument, most Assisting Officer's role-over and play dead to appease their COs, and hand them an easy conviction.
- Accused automatically went to Court Martial. He has not yet been tried
- Mbr did not feel that there was such evidence
- Accused wanted to make his own statement
- There was no mitigating evidence to present
- He was guilty from the start.
- He knew he was guilty and was ready to accept his punishment.
- There were no mitigating circumstances, the accused just wanted to postpone the summary trial so that he could spend the weekend with his girlfriend before being possibly sentenced to "confined to barracks".

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

	2001	2002	2003	2004
Yes	48.7%	40.8%	30.2%	28.3%
No	40.3%	44.6%	59.1%	60.9%
Don't know	10.5%	14.7%	10.2%	10.9%
No Response	0.5%	0.0%	0.4%	0.0%
	(n=191)	(n=184)	(n=225)	(n=184)

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	2004
Presiding Officer Certification Training		35.3%	28.9%	21.2%
Unit Discipline Training		25.0%	0.0%	12.0%
Guide for Accused & Assisting Officer		78.8%	86.0%	91.8%
Other (e.g. aide-memoire)			48.7%	50.5%
None of the Above		10.3%	3.1%	0.0%
No Response		0.0%	1.8%	0.5%
		(n=184)	(n=228)	(n=184)

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

	2001	2002	2003	2004
Yes	92.1%	89.7%	90.4%	85.9% >> Go to Q.10
No	0.5%	2.7%	3.5%	7.1%
Don't know	6.3%	5.4%	4.4%	7.1% >> Go to Q.10
No Response	1.0%	2.2%	1.8%	0.0%
	(n=191)	(n=184)	(n=228)	(n=184)

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

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

- Presiding Officer had already made up his mind on guilt & punishment
- The accused was charged with being drunk in an AOR which had a two drink per day limit. There was a burden of proof in this case that I felt was not being met. I felt that the rules guiding the Assisting Officer would not let me provide more input to the defence of the accused. i.e. I felt that I was only allowed to advise the accused concerning the procedure, their rights during the trial etc. If I had been charged in this same matter, I would have hotly contested the evidence arrayed against me. There is no adequate legal council available for people who are charged while on deployments. Cases like the one I was involved with would be thrown out of any civilian court for lack of credible
- This was my first time and due to my limited experience thought I did not assisted him effectively.
- L'officier président n'a nullement tenu compte de mon argumentation, il m'a paru évident que l'issu du procès était décidé d'avance. Il m'a traité de manière très dégradante.
- Member did not listen to my suggestions. Incriminated himself
- L'acuse se savait coupable et était d'accord avec la preuve. En plus, il n'avait pas le choix entre cours martiale et procès par voie sommaire
- The individual has been tried and found guilty on numerous other occasions. So it was already written.
- Accused was very headstrong and insistent that he knew more about 'the system' than anyone else (he was what is known as a 'barrack room lawyer'). The accused was resistant to any assistance and confrontational with his assisting officer, the presiding officer and all others throughout the process. He neither wanted nor would he accept help from anyone.
- Simply because IANAL - I am not a lawyer, and because the system is based upon RANK

- une formation devrait faire partie de l'instruction de base des officier
- Ce n'était pas la première fois qu'il avait un procès par voie sommaire pour la même infraction
- Je ne connaissait pas suffisamment la réglementation et comment présenter ma plédoirie
- Evidence presented that showed there were mitigating circumstances and that others had fault in the case, were not accepted.

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.]

- The present training is sufficient.
I would however recommend that training be provided to those that are assigned the task of completing summary investigations that may lead to the laying of charges. The the case that I assisted in the item should have never gone to trial in the first place. The charge that was recommended to be laid and was laid was by definition of the alleged offence not the correct charge. Had the investigating officer conducted proper research it would have avoided the issue going to summary trial.
- Experience at the earliest career opportunity
Presiding Officer Certification Training
Session of COs with Jnr Offrs to explain duties of Assisting Officers
- Ideally, receiving POCT and being able to attend other Court Martials or Summary Trials as an observer prior to being an Assisting Officer is recommended.
- The Guide to Assisting Officers is sufficient. Assisting officers should consult superiors at the unit level if they do not understand their responsibilities.
- Unit Discipline Training
- Presiding Officer Course
- The guide for Accused and Assisting Officer and some of the Aide Memoire's I've seen are useful but they do not really provide the illustration of the process that is required for an assisting officer to truly understand his/her responsibilities. It would probably be useful to add a requirement that potential Assisting Officers must at least at least one summary trial as observers before acting as Assisting Officers.
A common failing in the Navy is a confusion between the role of the Divisional Officer and the Assisting Officer. At a number of Summary Trials, I've seen Assisting Officers speak to the accused's conduct as a sailor (i.e. repeating much of the Divisional Officer's comments) without really offering anything in mitigation or even tailoring their remarks toward offering mitigation during the sentencing portion of the Summary Trial.
- Le guide est parfait plus, il faut voir beaucoup de PVS.
- une petite séance d'information avec les JAG
- At least a one day course given by JAG, outlining roles and responsibilities, as well as other good to know information about the Summary Trial/Court Martial process.

- I was not happy with the way the Presiding Officer treated this particular Summary Trial. It was much like the "old days" where the accused is automatically guilty. The Presiding Officer tried to rush the proceedings, but reluctantly allowed the minimum amount of time for the accused to properly prepare. The Presiding Officer did not want to allow the accused to submit a written representation the he had prepared in his defence. Also, In discussions with the Presiding Officer prior to the trial, I was subtly pressured to try to talk the accused into pleading guilty. I really believe that this Presiding Officer did not understand the changes that have been made to the Military Justice System. This person would have benefited from a scripted checklist with notes
- Presiding Officer Trg
- Cours formel sur les devoirs d'un O Désigné
- Mettre la formation dans les cours de base d'officier
- Presiding Officer Certification Training
- Formal Coursing on what to actually do as an assisiting officer instead of just a booklet on your duties
- Unsure of all training available
- Pouvoir assister a d'autres proces sommaires.
- Regular refresher trg that reviewed the duties and responsibilities of Assisting Offrs.
- Sitting in on actual or mock summary trials.
For the junior officers in a unit a JAG-led training day on summary trials focusing on the roles of the presiding officer and, especially, the assisting officer.
- je crois que dans mon cas, tout était assez simple et évidents
- Sample dialogues (step by step) of typical cases.
- A day long copurse on being an assisting officer. Should be incorporated into officer phase trg.
- The POCT
- Formation pratique (pouvoir se pratiquer lors d'un faux procès sommaire)
- Any PD training at unit level would help
Distence learning is the wave of the future. JAG office should put together a package for personal to take and be assested eather by qualified personal at unit level or from JAG personal.
- I found the PowerPoint presentation that the JAG office sent me was informative.
Ultimately I was most helpful to the accused because I read the applicable QR&O's.
- Donner des démo de procès par voie sommaire, du début du processus, jusqu'à la fin.
- The Presiding Officer training package, as well as access to the a JAG lawyer to verify questions. Being able to view or attend as a spectator would also be helpful just to see the process from begining to end.
- nil
- Reading the publications is fine, but getting more exposure to the assisting officer role and experience is key.
- Completing the Military Law OPDP was very important.
- More trg as a Jnr Officer before posting to a unit.
- None other than what was previously received, as stated in Ques 8
- ASSISTING OFFICERS COURSE. COULD BE DEVELOPED FROM PRESIDING OFFICERS COURSE
- E

- As part of junior officer development, member should assist at a few summary trials before they act as a Assisting Officer
- Peut-être une formation dirigée par un avocat militaire, quelque chose comme un avant-midi où l'avocat expliquerait les particularités du guide à l'intention des accusés et des officiers désignés. Mais j'ai trouvé le guide bien fait, et avec une bonne lecture et du temps pour bien intégrer ce qui est écrit, je crois que le guide est suffisant et bien fait.
- None - however, it was very difficult to locate the guide to the assisting officer. All publications and references need to be (electronically) located in the same locations as are QR&O.
- OPME Military Law
- Guide for Accused & Assisting Officer - this was taught in MARS Trainign when I joined as a your naval officer. However, it is not thought to the CELE officers (Which I transfered to at a latter time) in their basic training. A std training package should be part of all officer profession and conducted at the junior level (i.e. last phase of training)
- Je ne suis pas certaine que la formation soit LA solution. Tous les officiers désignés ont le devoir de s'informer sur leur rôle et il existe toute sorte de sources d'info. Par contre, il y a beaucoup de désinformation qui se fait de la part des supervise
- Continued online training/aide memoires as the process continues to develop. A continual/annual information campaign to increse awareness of all those involved. Far too often I have seen divisional charges mistakenly select court martial based on the advice of ill-informed peers.
- I undertook Presiding Officer Certification Trg in 2001. I found it very helpful. My particular class was given by a CF Lawyer while on deployment in Bosnia. We had a lot of time to be able to conduct in-depth classroom discussions with limited roll-playing. This added to the training value.
- All personal who can carry out this duty should be given a formal course. could be on ILQ or could be given at Individual Units or Bases by AJAG staff.
- Petit cours de base d'une 1/2 journee
- The pesiding officers crse as well as the hand book.
- Je ne sais pas exactement quelles sont les formations offertes actuellement, mais probablement qu'un cours général offert une fois arrivé dans notre unité serait suffisant
- Experience helps (I was an assisting offr 7 times in Sept 03), but reading the Guide ffor Accused & Assisting Officers thoroughly is a must.
- none
- Military Law and maybe some staff procedures on Summary Trail's. Sitting in on one would be good as well.
- 2-day course or on-line web-based video on the roles, responsibilities, reference material available etc
- I don't think any further training is really required, unless Assisting Officer's are to become more involved from a legal aspect.
- Presiding Officer Crse
- No training required. The guide for the accused and assisting officer along with the 1-800 JAG numbers available to answer questions is sufficient.
- Cours de président par voie sommaire.
- A course would be helpfull, although this was covered at NOC part 1

- Lors du procès sommaire, je n'avais pas suivi le cours de Président. Maintenant que je l'ai suivi, je trouve que ce cours est d'une importance capitale afin de vraiment pour aider l'accusé à son maximum.
- I don't know about training per se, but there is a negative perception among the upper echelon of leadership about any assisting officer who helps the accused too much.
- Presiding Officer Training, At least 1-2 sittings on an actual Summary Trial or Court Martial.
- Make it a qualification that one must have in order to be an assisting officer
- Annual "professional development" training/refresh training for junior officers.
- I found the information provided to be sufficient.
- A specific Assisting officer course
- Presiding officer training, OPDP 4 or Military Law OPME, and reading the aide-memoire for accused and assisting officer.
- It would be beneficial to have seen one performed in order to fully understand the proceedings. That way I could inform the Accused of exactly what will occur.
- Unit training showing what is required and roughly what is expected during the trial and perhaps a dry run through.
- Unit level trg
- The Guide for Accused & Assisting Officer was excellent aid to accused and myself, more information regarding the paper work and administration particularly regarding punishments such as fines, and reprimands should be provided to the accused and assisting officer.
- Presiding Officer Certification Training
- Formal Assisting Officer Training, whether it be given at the unit level or during formalized Jr Officers Training (ie BOTC) therefore, all officers would become more aware of the Military Justice system thus becoming more aware of the responsibilities of
- I thought reading the Guide for Accused and Assisting Officer was helpful and with the few times that someone would likely be called to be an Assisting Officer, I am not sure whether additional training would be useful. The circumstances of one's employment, i.e. in a large unit where the likelihood of many summary trials and courts martial would be held, may be the exception to my comments and training for Assisting Officers would be useful and recommended. This would ensure that there is a pool of trained Assisting Officers.
- Practice not training. I have been involved in three (four if you count my own) Summary Trials. The process is strange the first time, better the second, and definitely easier after that. Experience in other areas is also an asset. My experience from the ranks meant I could talk to the members on their terms. In this case, my chargee received less a lesser punishment than his peers, for the same offence, partly because I knew more of what happened and was able to offer mitigating information that the rest of the Assisting Officers were not privy too (or did not realize would be mitigating). Much also depends on the presiding officer. I had learned what my XO was willing to accept as mitigating, and what was not, and was able to tailor my actions and thus the outcome accordingly. If you must train, train in critical thinking, solving ethical dilemmas, and interview skills. My peers definitely need to improve those skills.
- wider distribution of the guide to the Accused and Assisting Officers

- A type of workshop and case related syndicates would provide real time / hands on realism.
- Presiding Officer certification training
- Je ne sais pas.
- Some type of assisting officer training.
- As long as the pub is available and up to date there is no trg required. I suggest that when you do a search on the DIN for the guide that it shows up on the search results
- Assisting Officer Crse during Phase Trg and ensure that sufficient Guides for Assisting Officers are present in all units. If someone is handed an AO task and has never witnessed or taken part in a ST or CM, many important elements of counsel will be missed with the accused having no idea to even ask about it (ie Review of Summary Trial). When I was told I was going to be an AO, I had a lot of difficulty tracking down resources to tell me what I had to do.
- No comments.
- All the appropriate reference material was available to me.
- A short 2-day course (base level) discussing case studies.
Military Law OPME
- Presiding Officer Training Course
- Possibly a 1 day course on the Summary Trial procedure with a focus on the roles and responsibilities of an assisting officer. For example, the first summary trial that I ever witnessed I was the Assisting officer and without any formal training I do not believe I was completely prepared.
- Assisting Officer Trg should be given through a short 3 day type course or as part of Unit trg once a year.
- Aide de Memoire is the best but some basic instruction at the unit level would be beneficial.
- The first half of the OPME "Introduction to Military Law" may have helped had I done it before being an Assisting Officer. I was well served by an understanding of QR&Os and the summary trial process that I learned as a reservist on the MOSC course.
- The Presiding officers course or atleast a course for being an assisting officer. Also since this is the end of the questionnaire, I suggest the presiding officer be outside the chain of command of the accused. Often they already have their mind made up prior to the trial and/or are too familiar with both the accused and their case.
- Course for an Assisting Officer.
- Knowing the powers of the CO and/or delegated officer when passing sentence. Although the powers of punishment were available to pass on to the accused, there was very little available for the Administrative side. Two of the accused were repatted from theatre, not a surprise, but their decorations were removed from them. I am unsure of the taking away of a decoration that was awarded for length of service in theatre, up to the awarding of the decoration the soldiers had been performing their duties without significant difficulties.

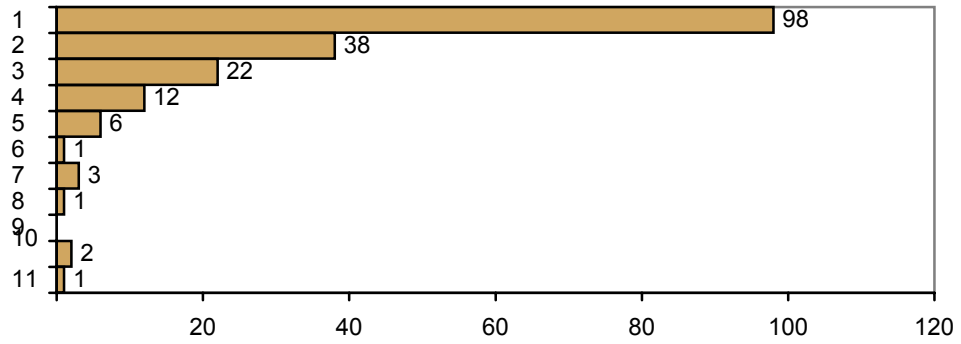
- While this was the first time in ten years that I had performed the duties of an Assisting Officer, the training and exposure to the system I received as part of my initial MARS training was sufficient. While clearly the Summary Trial system has changed in the last decade, many of the fundamental steps in providing assistance to an accused have not changed. In my view, reviewing the Guide for the Accused and Assisting Officers plus the applicable QR&O(s) should provide ample information for an Assisting Officer.
- Case studies
- Attendance as an observer at a summary trial.
- Any type of counselling course that teaches you how to listen.
- How about an Assisting Officer's course?
- A seminar on duties and responsibilities of an Assisting Officer.
- Assisting O Trg conducted during BOTP
- The Power Point presentation on the JAG website is an excellent resource for any assisting officer task.
- The guide offered to me as assisting officer was sufficient in this case for my performance as Assisting Officer.
- Unit Disciplinary training
- Presiding Officer Certification Training or be familiar with publication B-CG-005-027/AF-011 (Military Justice at the Summary Trial Level)
- An actual course and what is expected of an assisting officer.
- The Presiding Officer Certification Training. That was my start point, after that I continued to check the DWAN for any and all changes that were implemented. Constant review of these procedures are a must.
- A portion of Phase IV that deals with admin and other duties of a Subaltern
- Presiding Officer Course
- All Officers should bve provided formal training as Assisting Officers. This training should include the Assisting Officer's duties and responsibilities, legal implications of false/inaccurate information provided to an Accused, a mock trial as a practice so that AOs will have "seen" the process before it actually happens (keeping in mind that AOs are typically very junior officers lacking experience). Also recommend a web site be available to AOs so that they may have (1) immediate access to the latest summary trial information, (2) indications of punishments levied for identical/similar charges (helpful in advising an Accused of a typical punishment), (3) a method to request advice from AJAG if unsure of a particular item.
- Guide was very helpful
- JAG presiding officer trg. All offr should be given this trg proactively.
- Je crois que les aide-mémoires en place sont suffisants et que si des questions sont toujours requises, les ressources existent dans les bataillons (SMI, SMC, CmdtA cie, etc.) pour assister dans le processus. La réalité est que la création de formation additionnelle pour ce rôle enlèverait du temps vital d'entraînement, qui est déjà rare, et demanderait que plus de ressources et de personnel soient assignés à cette instruction que la valeur du retour d'une telle formation pour valoir la peine.
- Just a basic brief and handout on the responsibilities of an assisting Offr
- Condensed Presiding Officer trg, as it allows the AO to look at the trial and from other perspectives, including the presiding officer's perspective.
- Aucune

- take a one day crse/ seminar. Current opme of military law is useful. Manitory reading project.
- Formation et attestation d'officier président procès sommaire et un lien avec les mesures administratives découlant des r`glements des FC.
- A live "DS Solution" demo of a summary trial with pauses for questions to illustrate the process. Including examples of do's and don't.
- A one day assisting officer's course which presents a simlated trial (or participate in a mock trial) and offers info and resources to execute the basic duties of the function. Perhaps, include "case" studies (real and imaginary) to identify injustices or grey areas and the skills to handle or ID them.
- De donner plus de détails sur le déroulement d'un procès par voie sommaire avec option pour cour martiale.
- Make the regulations more clear and stop supervisors from bring people up on charge for minor offences.
- OPDP - Military Law
- Reading the Guide for the Accused and the Assisting Officer, being present at a Summary Trial to observe before doing one yourself.
- Reading the book.
- A quick DL course would suffice
- lors des phase 4, les officier devrait avoir une présentation sur les devoir d'officier désigné
- aucune
- A course on the proceedings and explanation in details of the guide for accused and assisting officers
- Cour d'une demi journé sur les spécifité des tâches de l'offr désigné
- Un cours pratique pourrait être incorporé dans le curriculum du cours elementaire des officiers de la force aérienne (BAOC Winnipeg)
- I found that the information contained in the Assisting Officer's hand book was sufficient.
- Formal trg rather than just reading the QR & Os.
- more information on the process of the summary trial and what I have access to, a better explanation what I will be required to do
- We go through numerous walk through talk through for field operations but never for administrative duties. This with a proper knowledge of the guide for accused and assisting officer should suffice.
- OPME DCE 002 - Military Law.
- A short training (1 day or 2) which would highlight the basic concepts followed with a pratical simulated exercise. In my case, the hand-out and aide-memoires were very helpful.
- OPME Military Law;
 Otherwise, I'm not aware of a specific training for officers in regard to be an Assisting officer. We can have acces to the Guide for Accused and Assisting Offr, The uide: The election to be tried by summary trial or court martial.
 QRnO's;
 and The presiding Officer Hand book.
- 1 à 2 jours de théorie et une simulation par candidat
- Un après-midi de formation.

- I think that there is ample information provided to give any officer the information he/she needs to assist a member in preparing his/her defence in relation to a charge.
- - All assisting officers should have completed OPME DCE002 prior to performing this function
 - Being present at previous summary trials would have been beneficial.
- Presiding officers certification training.
- 1/2 day course on summary trial proceedings and the duties of an Assisting Officer.
- Sufficient training/experience exists onboard.
- A short course of the "Presiding Officer" type, but just for assisting O.
- Yearly review of Summary Trial Process, updated on-line versions of current and amended regulations/ordres.
- Presiding officer training helped.
- Presiding Officer Course.
- POC and review summary trial procedures at the unit with the Unit's Admin O and an aide-mémoire.
- CBT refresher for AOs available just prior to process (i.e., online aide memoire/checklist.
- I feel that being more aware of how Presiding Officers base their decisions would be useful, therefore recommend they take the Presiding Officer's course.
- First experience, probably a briefing or assisting to 1 or 2 trial prior to be Assisting Officer
- Unit discipline training, Presiding Officer Course.
- All Assisting Officers should take the Presiding Officer Course, or a slimmed down version of it (i.e., Unit Discipline Trg).
- Presiding Officer Training.
- For new personnel, same form of Assisting Officer training (SNR NCO/WO and OFFS).
- None
- 1/2 training day to discuss. Guide for Summary trials.
- There should be a course for officers on Phase training.

PS I would like to point out that the worst part about this trial was how long the JAG sat on the info. The troop had this incident hanging over his head for over a month of class B service. As well, any punishment that would have helped with discipline was completely wasted.

11. Since January 1, 2002 how many times have you acted as an Assisting Officer?



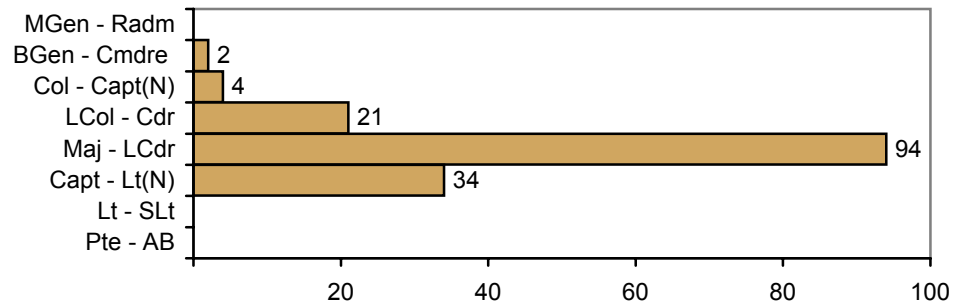
<u># of Summary Trials</u>	<u>2004</u>
1	53.3%
2	20.7%
3	12.0%
4	6.5%
5	3.3%
6	0.5%
7	1.6%
8	0.5%
9	0.0%
10	1.1%
11	0.5%
	(n=184)
Average	2.1

Presiding Officer

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2004	16	139	155	10.3%	89.7%
2003	50	130	180	27.8%	72.2%
2002	40	143	183	21.9%	78.1%
2001	31	220	251	12.4%	87.6%

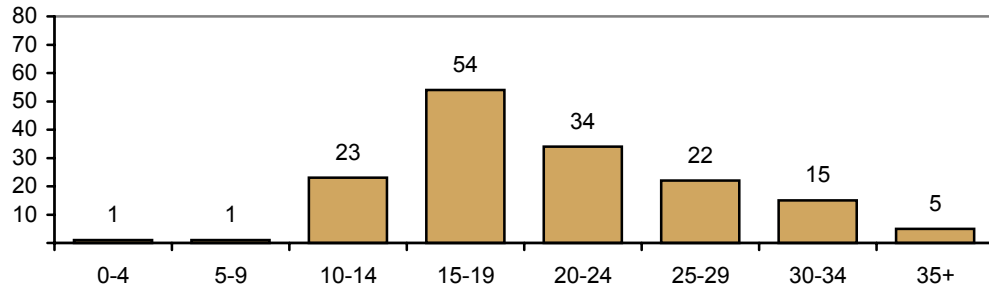
Section 1: Profile

1. What is your present rank?



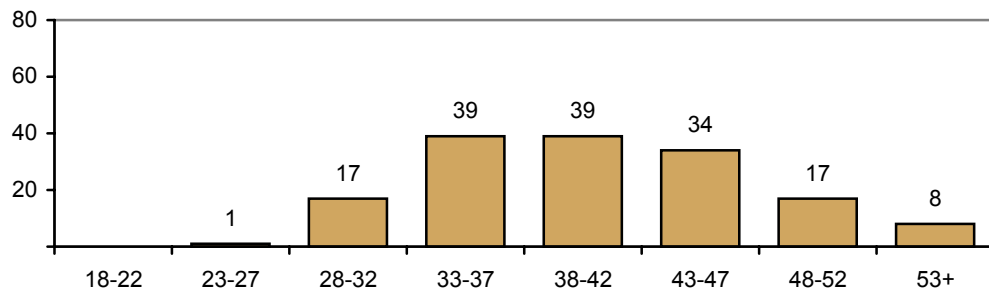
		2001	2002	2003	2004
Gen'l/Flag Officers	MGen - Radm	0.0%	1.1%	0.0%	0.0%
	BGen - Cmdre	0.4%	1.1%	0.6%	1.3%
Sr Officers	Col - Capt(N)	0.0%	4.9%	3.3%	2.6%
	LCol - Cdr	19.8%	18.7%	12.8%	13.5%
	Maj - LCdr	61.3%	63.7%	67.2%	60.6%
Jr Officers	Capt - Lt(N)	17.3%	10.4%	15.6%	21.9%
	Lt - SLt	0.8%	0.0%	0.0%	0.0%
NCM	Pte - AB	0.4%	0.0%	0.6%	0.0%
		<i>(n=248)</i>	<i>(n=182)</i>	<i>(n=180)</i>	<i>(n=155)</i>

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



	2001	2002	2003	2004
0-4	0.8%	0.0%	0.6%	0.6%
5-9	0.8%	0.5%	0.6%	0.6%
10-14	12.1%	8.8%	11.2%	14.8%
15-19	32.3%	38.5%	34.1%	34.8%
20-24	31.0%	22.0%	26.8%	21.9%
25-29	14.9%	19.8%	14.5%	14.2%
30-34	6.5%	6.6%	10.1%	9.7%
35+	1.6%	3.8%	2.2%	3.2%
	(n=248)	(n=182)	(n=179)	(n=155)

3. How old are you?



	2001	2002	2003	2004
18-22	0.4%	0.0%	0.0%	0.0%
23-27	1.2%	0.5%	0.6%	0.6%
28-32	6.9%	2.2%	6.7%	11.0%
33-37	25.4%	30.8%	27.2%	25.2%
38-42	36.3%	27.5%	28.9%	25.2%
43-47	17.3%	26.4%	20.6%	21.9%
48-52	9.7%	8.8%	12.2%	11.0%
53+	2.8%	3.8%	3.9%	5.2%
	(n=248)	(n=182)	(n=180)	(n=155)

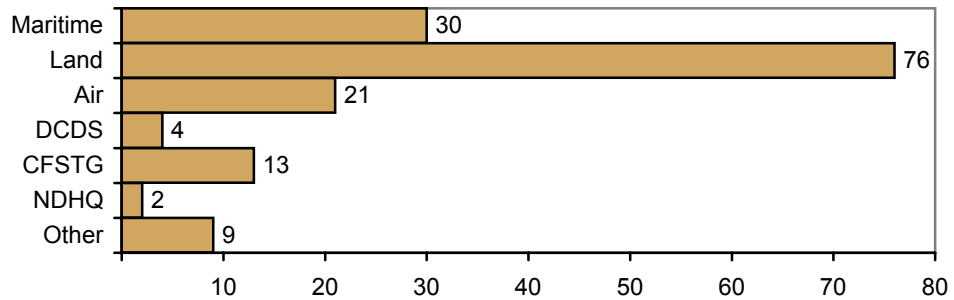
4. Are you:

	2001	2002	2003	2004
Male	96.8%	95.1%	95.0%	92.3%
Female	3.2%	4.9%	5.0%	7.7%
	(n=248)	(n=182)	(n=180)	(n=155)

5. What is your first official language?

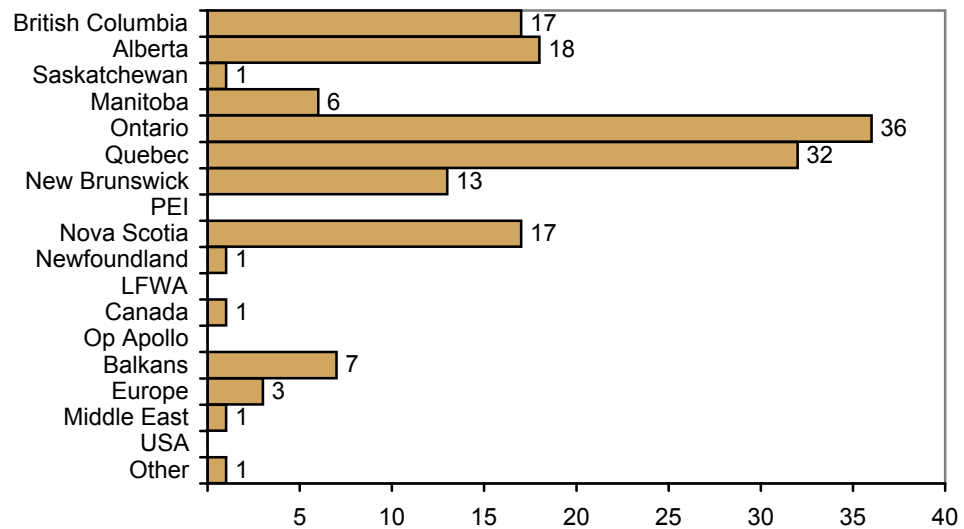
	2001	2002	2003	2004
English	75.3%	79.7%	73.9%	72.3%
French	24.7%	20.3%	26.1%	27.7%
	(n=247)	(n=182)	(n=180)	(n=155)

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



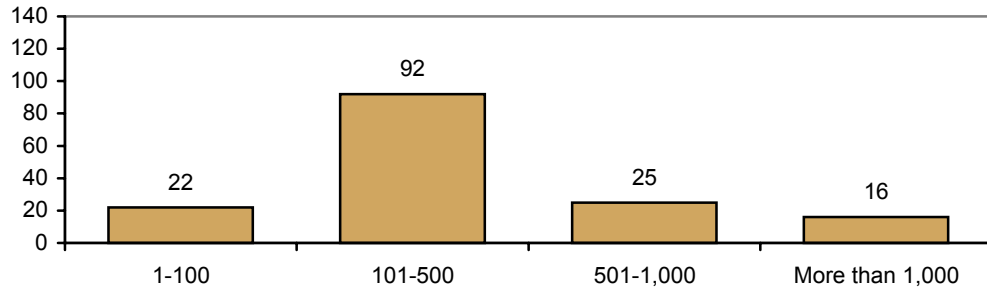
	2001	2002	2003	2004
Maritime	14.1%	13.7%	15.0%	19.4%
Land	54.0%	58.2%	57.2%	49.0%
Air	9.7%	11.0%	13.3%	13.5%
DCDS (Deployed Operations)	2.0%	2.2%	1.7%	2.6%
CFSTG (Training)	10.9%	7.7%	8.3%	8.4%
NDHQ	2.4%	4.9%	2.8%	1.3%
Other	6.9%	2.2%	1.7%	5.8%
	(n=248)	(n=182)	(n=180)	(n=155)

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



	2001	2002	2003	2004
British Columbia	7.3%	6.7%	3.9%	11.0%
Alberta	7.7%	11.7%	9.5%	11.7%
Saskatchewan	1.2%	0.0%	0.6%	0.6%
Manitoba	2.8%	3.3%	2.2%	3.9%
Ontario	38.3%	37.2%	39.1%	23.4%
Quebec	18.5%	13.3%	21.8%	20.8%
New Brunswick	8.5%	11.7%	6.1%	8.4%
PEI	0.4%	1.1%	1.1%	0.0%
Nova Scotia	8.9%	5.0%	11.2%	11.0%
Newfoundland	1.6%	1.1%	0.6%	0.6%
LFWA	0.4%	0.6%	0.0%	0.0%
Canada		0.6%	0.0%	0.6%
Op Apollo		2.2%	0.6%	0.0%
Balkans	2.4%	1.7%	1.1%	4.5%
Europe	0.4%	1.7%	1.1%	1.9%
Middle East	0.8%	1.1%	0.0%	0.6%
USA	0.8%	1.1%	0.0%	0.0%
Other			1.1%	0.6%
	(n=248)	(n=180)	(n=179)	(n=154)

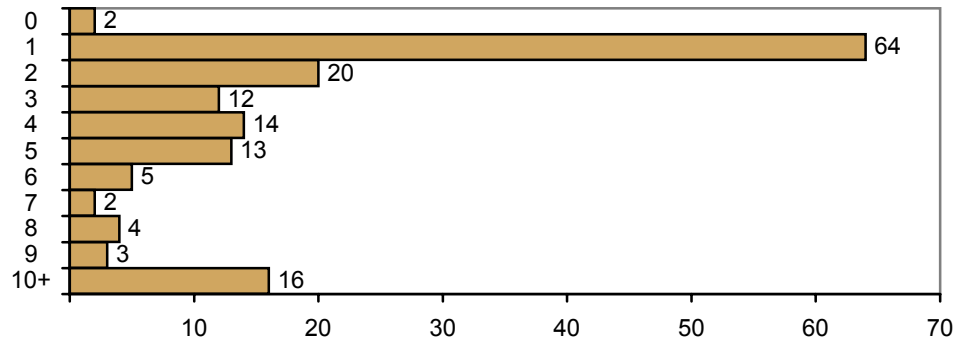
8. What is the size of the unit you are working in?



	2001	2002	2003	2004
1-100	21.1%	20.3%	19.7%	14.2%
101-500	56.9%	56.6%	58.4%	59.4%
501-1,000	15.9%	15.9%	15.2%	16.1%
More than 1,000	6.1%	7.1%	6.7%	10.3%
	(n=246)	(n=182)	(n=178)	(n=155)

Section 2: Process

1. Since January 1, 2003, how many times have you presided at a summary trial?



<u># of Summary Trials</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
0	4.4%	0.0%	0.0%	1.3%
1	36.7%	28.4%	40.6%	41.3%
2	18.1%	17.5%	13.9%	12.9%
3	13.3%	14.8%	13.3%	7.7%
4	7.3%	7.7%	7.2%	9.0%
5	5.6%	5.5%	7.2%	8.4%
6	3.2%	2.7%	5.0%	3.2%
7	2.0%	3.3%	1.7%	1.3%
8	2.4%	2.2%	0.6%	2.6%
9	0.4%	0.5%	0.6%	1.9%
10+	6.5%	17.5%	10.0%	10.3%
	(n=248)	(n=183)	(n=180)	(n=155)

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>	<u>2004</u>
Yes	98.8%	99.5%	99.4%	99.4%
No	0.4%	0.0%	0.6%	0.0% >> Go to Q.2.c
No Response	0.8%	0.5%	0.0%	0.6%
	(n=250)	(n=183)	(n=180)	(n=155)

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

	<u>2002</u>	<u>2003</u>	<u>2004</u>
Sep 99 to Mar 00	67.0%	33.5%	20.8%
Apr 00 to Aug 00	8.2%	14.0%	13.0% >> Go to Q.3
Sep 00 to Mar 01	12.1%	16.8%	9.1% >> Go to Q.3
Apr 01 to Aug 01	4.4%	7.8%	5.8% >> Go to Q.3
Aug 01 to now	6.6%	25.7%	>> Go to Q.3
Sep 01 to Mar 02			11.7% >> Go to Q.3
Apr 02 to Aug 02			6.5% >> Go to Q.3
Sep 02 to Mar 03			12.3% >> Go to Q.3
Apr 03 to Aug 03			9.7% >> Go to Q.3
Sep 03 to now			8.4% >> Go to Q.3
No Response	1.6%	2.2%	2.6%
	(n=182)	(n=179)	(n=154)

2.b) **If you answered "Sep 99 to Mar 00" to Question 2.a, have you completed Presiding Officer Re-certification Training?**

	<u>2004</u>
Yes	18.8% >> Go to Q.3
No	81.3% >> Go to Q.3
No Response	0.0%
	(n=32)

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

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Yes	0.0%		0.0%	0.0%
No	100.0%		100.0%	100.0% >> Go to Q.3
No Response	0.0%		0.0%	0.0%
	(n=1)	(n=0)	(n=1)	(n=4)

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

	<u>2003</u>	<u>2004</u>
Yes		
No		
No Response	(n=0)	(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?**

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Almost Always	21.6%	94.0%	92.2%	92.3%
Sometimes	0.4%	3.8%	3.9%	5.8%
Almost Never	0.4%	1.1%	3.3%	1.3%
No Response	77.6%	1.1%	0.6%	0.6%
	(n=250)	(n=183)	(n=180)	(n=155)

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

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Almost Always		83.1%	79.4%	83.9% >> Go to Q.5
Sometimes		13.1%	15.6%	10.3% >> Go to Q.5
Almost Never		2.2%	5.0%	5.8%
Yes	88.8%			>> Go to Q.5
No	9.2%			
No Response	2.0%	1.6%	0.0%	0.0%
	(n=250)	(n=183)	(n=180)	(n=155)

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.]

- my Coxn does it prior to the laying of the charge. Once he receives concurrence that a charge should/could be laid, the I proceed
- I have only conducted 1 summary trial; it was a very straightforward case with no hiccups
- Charge is extremely straight forward
- Charges dealt with at the summary trial level are seldom so complex that they need legal interpretations at this stage of the process.
- It had previously been done by the Adj. All three were for the same charge (AWOL).
- Not required. My CSM deals with that aspect.
- Such simplistic charges when dealing with recruits - largely dress, deportment, dirty weapons. Advice almost always consists of "if you feel it warrants proceeding then do so."
- Most cases are very straight forward involving very minor offences (AWDL, alcohol in barracks) and are black and white.
- The two charges I have presided over have been 'clear cut'.

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

	2001	2002	2003	2004
Almost Always	24.0%	5.5%	7.2%	5.2%
Sometimes	15.6%	21.3%	21.7%	16.8%
Almost Never	58.8%	71.0%	71.1%	78.1%
No Response	1.6%	2.2%	0.0%	0.0%
	(n=250)	(n=183)	(n=180)	(n=155)

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

	2001	2002	2003	2004
Almost Always	51.2%	45.4%	35.6%	25.2%
Sometimes	27.6%	32.8%	32.2%	45.8%
Almost Never	18.0%	20.2%	32.2%	28.4%
No Response	3.2%	1.6%	0.0%	0.6%
	(n=250)	(n=183)	(n=180)	(n=155)

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

	2001	2002	2003	2004
Almost Always	42.0%	45.4%	41.7%	26.5%
Sometimes	41.2%	37.7%	35.0%	47.1%
Almost Never	13.6%	15.3%	23.3%	25.8%
No Response	3.2%	1.6%	0.0%	0.6%
	(n=250)	(n=183)	(n=180)	(n=155)

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

	2001	2002	2003	2004
Almost Always	79.2%	79.2%	66.7%	68.4%
Sometimes	9.2%	13.7%	22.2%	18.7%
Almost Never	7.6%	6.0%	11.1%	12.3%
No Response	4.0%	1.1%	0.0%	0.6%
	<i>(n=250)</i>	<i>(n=183)</i>	<i>(n=180)</i>	<i>(n=155)</i>

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

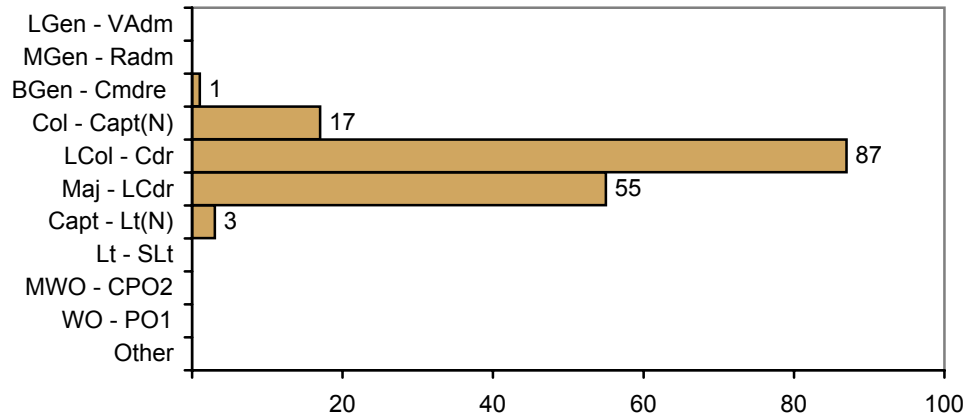
	2001	2002	2003	2004
Almost Always	78.4%	80.9%	77.2%	70.3%
Sometimes	14.4%	14.8%	18.3%	20.6%
Almost Never	4.0%	3.3%	4.4%	7.7%
No Response	3.2%	1.1%	0.0%	1.3%
	<i>(n=250)</i>	<i>(n=183)</i>	<i>(n=180)</i>	<i>(n=155)</i>

Commanding Officer

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2004	6	157	163	3.7%	96.3%
2003	10	143	153	6.5%	93.5%
2002	21	153	174	12.1%	87.9%
2001	27	205	232	11.6%	88.4%

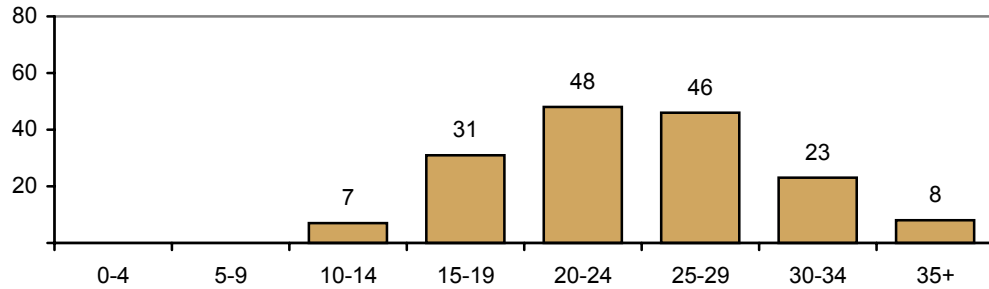
Section 1: Profile

1. What is your present rank?



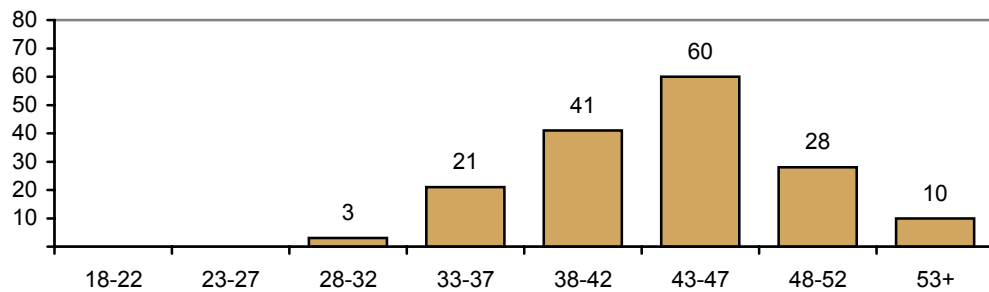
		2001	2002	2003	2004
Gen'l/Flag Officers	LGen - VAdm	0.4%	0.0%	0.0%	0.0%
	MGen - Radm	0.4%	1.1%	0.7%	0.0%
	BGen - Cmdre	0.0%	1.1%	0.0%	0.6%
Sr Officers	Col - Capt(N)	12.1%	9.8%	9.2%	10.4%
	LCol - Cdr	52.8%	51.1%	60.8%	53.4%
	Maj - LCdr	30.7%	32.8%	26.1%	33.7%
Jr Officers	Capt - Lt(N)	2.2%	2.3%	3.3%	1.8%
	Lt - SLt	0.4%	0.0%	0.0%	0.0%
NCM	MWO - CPO2	0.4%	0.0%	0.0%	0.0%
	WO - PO1	0.0%	1.1%	0.0%	0.0%
Appointments	Other	0.4%	0.6%	0.0%	0.0%
		(n=231)	(n=174)	(n=153)	(n=163)

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



	2001	2002	2003	2004
0-4	0.0%	0.0%	0.7%	0.0%
5-9	0.0%	0.0%	0.0%	0.0%
10-14	4.8%	5.7%	2.0%	4.3%
15-19	11.3%	15.5%	13.1%	19.0%
20-24	34.3%	27.0%	36.6%	29.4%
25-29	27.0%	32.2%	24.8%	28.2%
30-34	16.5%	12.6%	17.0%	14.1%
35+	6.1%	6.9%	5.9%	4.9%
	(n=230)	(n=174)	(n=153)	(n=163)

3. How old are you?



	2001	2002	2003	2004
18-22	0.0%	0.0%	0.0%	0.0%
23-27	0.4%	0.0%	0.0%	0.0%
28-32	1.3%	1.7%	0.7%	1.8%
33-37	8.7%	8.6%	8.5%	12.9%
38-42	28.1%	28.7%	29.4%	25.2%
43-47	30.3%	36.2%	29.4%	36.8%
48-52	22.5%	14.4%	21.6%	17.2%
53+	8.7%	10.3%	10.5%	6.1%
	(n=231)	(n=174)	(n=153)	(n=163)

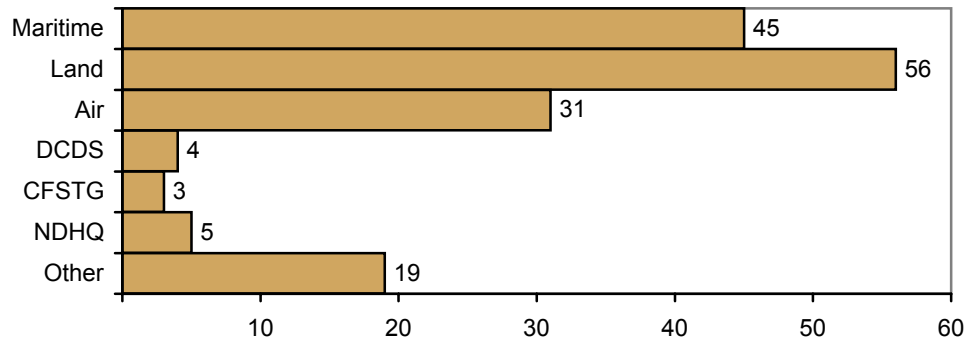
4. Are you:

	2001	2002	2003	2004
Male	93.5%	93.7%	94.8%	95.1%
Female	6.5%	6.3%	5.2%	4.9%
	(n=231)	(n=174)	(n=153)	(n=163)

5. What is your first official language?

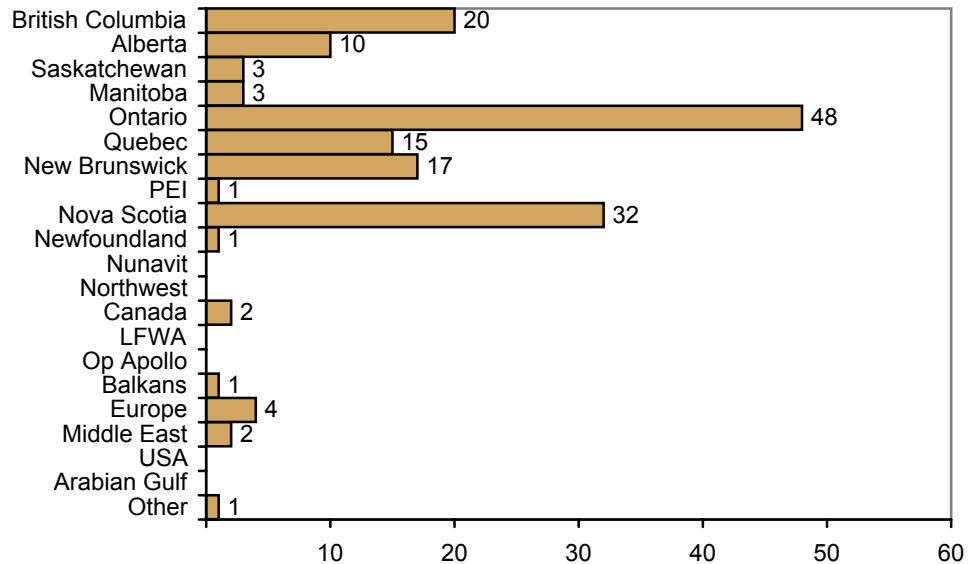
	2001	2002	2003	2004
English	83.6%	83.9%	85.0%	78.5%
French	16.5%	16.1%	15.0%	21.5%
	(n=231)	(n=174)	(n=153)	(n=163)

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



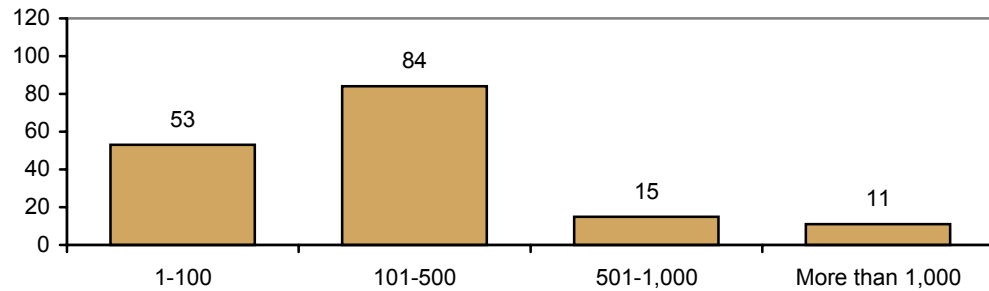
	2001	2002	2003	2004
Maritime	17.7%	16.1%	24.8%	27.6%
Land	35.1%	40.8%	39.2%	34.4%
Air	21.2%	23.6%	25.5%	19.0%
DCDS (Deployed Operations)	2.2%	1.7%	1.3%	2.5%
CFSTG (Training)	9.5%	6.3%	2.6%	1.8%
NDHQ	3.9%	3.4%	0.7%	3.1%
Other	10.4%	8.0%	5.9%	11.7%
	(n=231)	(n=174)	(n=153)	(n=163)

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



	2001	2002	2003	2004
British Columbia	13.9%	11.5%	7.2%	12.3%
Alberta	4.8%	19.5%	12.4%	6.1%
Saskatchewan	0.9%	1.1%	3.3%	1.8%
Manitoba	3.5%	5.7%	5.2%	1.8%
Ontario	41.6%	23.0%	25.5%	29.4%
Quebec	9.1%	9.2%	9.8%	9.2%
New Brunswick	4.8%	11.5%	4.6%	10.4%
PEI	0.4%	0.6%	0.7%	0.6%
Nova Scotia	14.3%	6.9%	20.3%	19.6%
Newfoundland	2.2%	2.9%	0.7%	0.6%
Nunavit	0.4%	0.0%	0.0%	0.0%
Northwest Territories				1.2%
Canada			1.3%	1.2%
LFWA	0.0%	1.1%	0.0%	0.0%
Op Apollo		1.1%	1.3%	0.0%
Balkans	0.4%	0.6%	0.7%	0.6%
Europe	1.7%	2.9%	5.2%	2.5%
Middle East	0.9%	0.6%	0.0%	1.2%
USA	0.9%	0.6%	0.7%	0.0%
Arabian Gulf Region & SW Asia				0.6%
Other	0.4%	1.1%	1.3%	0.6%
	(n=231)	(n=174)	(n=153)	(n=163)

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



	2001	2002	2003	2004
1-100	37.4%	46.6%	36.6%	32.5%
101-500	47.4%	40.8%	48.4%	51.5%
501-1,000	10.4%	5.7%	9.2%	9.2%
More than 1,000	4.8%	6.9%	5.9%	6.7%
	(n=230)	(n=174)	(n=153)	(n=163)

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	2004
Yes	92.7%	92.5%	98.0%	97.5% >> Go to Q.2
No	6.5%	7.5%	2.0%	2.5%
No Response	0.9%			
	(n=232)	(n=174)	(n=153)	(n=163)

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

	2001	2002	2003	2004
Yes	26.7%	0.0%	0.0%	0.0%
No	73.3%	100.0%	100.0%	100.0% >> Go to Q.2
No Response		0.0%	0.0%	0.0%
	(n=15)	(n=13)	(n=3)	(n=4)

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

	2001	2002	2003	2004
Yes				
No				
No Response				
			(n=0)	(n=0)

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

	2001	2002	2003	2004
Yes	92.7%	79.3%	92.2%	95.7% >> Go to Q.3
No	5.6%	0.6%	6.5%	3.7%
No charges have been laid at Unit since Sep 99		19.5%		
No Response	1.7%	0.6%	1.3%	0.6%
	(n=232)	(n=174)	(n=153)	(n=163)

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.]

- Have not had any disciplinary proceedings during my time as CO nor during my predecessor. We would open unit registry for disciplinary proceedings, if required.
- No disciplinary proceedings have occurred.
- Only 4 military members on staff. All officers.
- Currently, no disciplinary proceedings have occurred. If there was a need, a registry would be kept.
- NO DISCIPLINARY ACTION TAKEN AS YET, REGISTRY WILL BE KEPT ONCE ANY ACTION IS REQUIRED

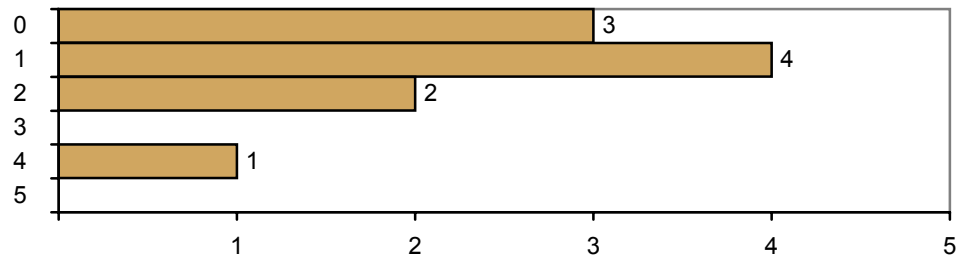
3. Have you ever approved a search warrant?

	2001	2002	2003	2004
Yes	3.9%	4.0%	6.5%	6.1%
No	94.0%	96.0%	93.5%	93.9% >> Go to Q.4
No Response	2.2%	0.0%	0.0%	0.0%
	(n=232)	(n=174)	(n=153)	(n=163)

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

	2001	2002	2003	2004
Almost Always	66.7%	100.0%	90.0%	100.0%
Sometimes	0.0%	0.0%	0.0%	0.0%
Almost Never	33.3%	0.0%	10.0%	0.0%
No Response		0.0%	0.0%	0.0%
	(n=9)	(n=7)	(n=10)	(n=10)

3.b) **How many search warrants have you approved since January 1, 2003?**



<u># of Search Warrant(s)</u>	<u>2004</u>
0	30.0%
1	40.0%
2	20.0%
3	0.0%
4	10.0%
5	0.0%
	(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?**

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	
Almost Always	80.2%	70.7%	73.9%	81.6%	>> Go to Q.5
Sometimes	3.0%	4.6%	4.6%	3.7%	>> Go to Q.5
Almost Never	9.1%	21.8%	20.3%	14.1%	
No Response	7.8%	2.9%	1.3%	0.6%	
	(n=232)	(n=174)	(n=153)	(n=163)	

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.]

- Fortunatley, since assuming command, I have had no discipline problems.
- No accused persons or disciplinary proceedings to report on.
- No disciplinary proceedings occur.
- See 2.a above
- No charges laid in 03
- No disciplinary action in my Branch since being the CO.
- WE have not had a charge for quite awhile
- The have been no charges laid during the past year.
- This unit has not had any summary trials since I became CO.
- No excuse
- Only one charge was levied under my command and it was quashed.
- No disciplinary proceedings since CO.
- No Disciplinary Proceedings conducted.
- I have not heard any charges since Jan 03, however, prior to then, I sent all RDP re: final disposition of all charges against the Accused to the local AJAG for review.

- This question does not include a selection for N/A. In the 24 year history of my unit there has never been a summary trial.
- Since assuming Command I have not held any Summary trials.
- Have not had any disciplinary proceedings on the 22 military members under my command since assuming command 18 months ago.
- Have not had to charge anyone in three years.
- Aucun procès sommaire n'a eu lieu
- SAME AS QUESTION 2(A)
- Never held a Summary trial
- haven't had any RDPs to send

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

	2001	2002	2003	2004
Almost Always	59.1%	45.4%	44.4%	43.6%
Sometimes	17.2%	11.5%	11.1%	19.6%
Almost Never	10.8%	2.9%	2.6%	6.1%
N/A (have not held a Summary Trial at Unit since Jan 03)		36.2%	41.8%	30.7% >> Go to Q.7
No Response	12.9%	4.0%	0.0%	0.0%
	(n=232)	(n=174)	(n=153)	(n=163)

6. **Is the feedback timely?**

	2001	2002	2003	2004
Yes	71.1%	85.6%	92.1%	89.4%
No	11.2%	8.1%	5.6%	8.8%
No Response	17.7%	6.3%	2.2%	1.8%
	(n=232)	(n=111)	(n=89)	(n=113)

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

	2001	2002	2003	2004
1-10	6.0%	4.0%	2.6%	4.3%
10+	0.0%	0.0%	0.7%	0.0%
Never	90.9%	93.1%	96.7%	94.5% >> Go to Q.8
No Response	3.0%	2.9%	0.0%	1.2%
	(n=232)	(n=174)	(n=153)	(n=163)

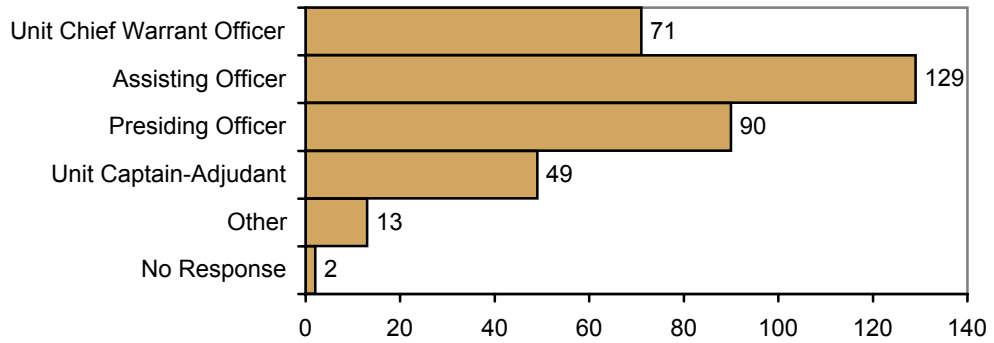
7.a) **If you receive requests for public access to RDPs, how often do you consult a lawyer about these requests?**

	2001	2002	2003	2004
Almost Always	85.7%	42.9%	80.0%	85.7%
Sometimes	10.7%	28.6%	0.0%	0.0%
Almost Never	3.6%	14.3%	0.0%	0.0%
No Response		14.3%	20.0%	14.3%
	(n=28)	(n=7)	(n=5)	(n=7)

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	2004
Yes	90.9%	93.7%	92.8%	96.3%
No	3.0%	2.3%	3.9%	2.5%
No Response	6.0%	4.0%	3.3%	1.2%
	(n=232)	(n=174)	(n=153)	(n=163)

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) ?**



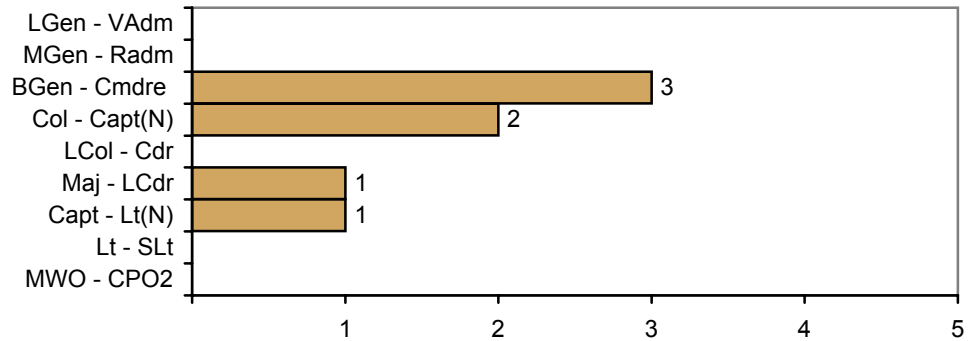
(n=164)

Review Authority

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2004	0	7	7	0.0%	100.0%
2003	2	5	7	28.6%	71.4%
2002	3	9	12	25.0%	75.0%
2001	4	18	22	18.2%	81.8%

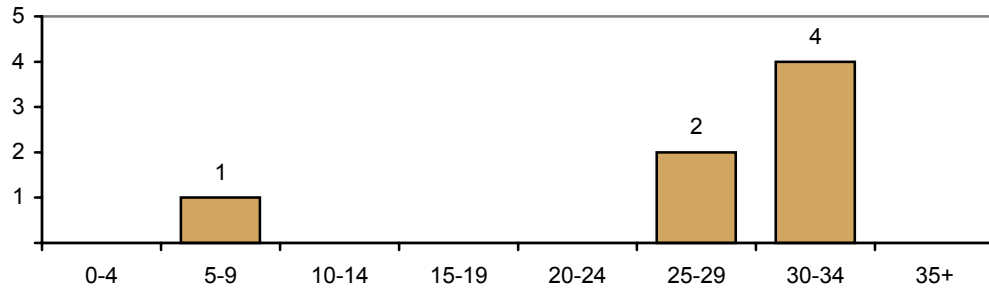
Section 1: Profile

1. What is your present rank?



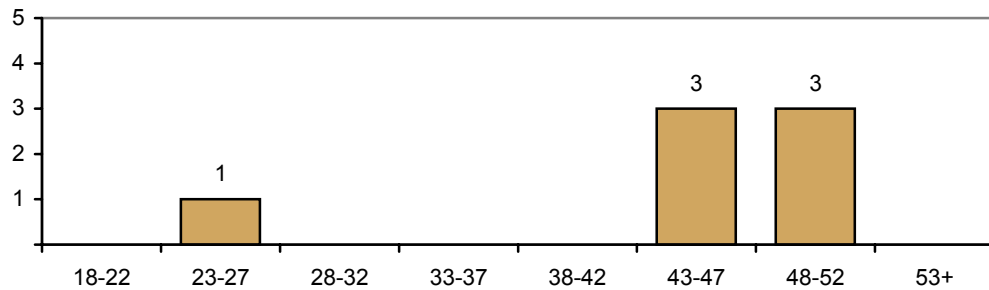
		2001	2002	2003	2004
Gen'l/Flag Officers	LGen - VAdm	4.5%	0.0%	0.0%	0.0%
	MGen - Radm	0.0%	8.3%	14.3%	0.0%
	BGen - Cmdre	9.1%	25.0%	14.3%	42.9%
Sr Officers	Col - Capt(N)	18.2%	16.7%	14.3%	28.6%
	LCol - Cdr	45.5%	33.3%	42.9%	0.0%
	Maj - LCdr	13.6%	8.3%	0.0%	14.3%
Jr Officers	Capt - Lt(N)	4.5%	0.0%	14.3%	14.3%
	Lt - SLt	0.0%	8.3%	0.0%	0.0%
NCM	MWO - CPO2	4.5%	0.0%	0.0%	0.0%
		<i>(n=22)</i>	<i>(n=12)</i>	<i>(n=7)</i>	<i>(n=7)</i>

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



	2001	2002	2003	2004
0-4	0.0%	0.0%	0.0%	0.0%
5-9	0.0%	0.0%	0.0%	14.3%
10-14	4.5%	8.3%	0.0%	0.0%
15-19	13.6%	0.0%	14.3%	0.0%
20-24	31.8%	8.3%	14.3%	0.0%
25-29	36.4%	41.7%	28.6%	28.6%
30-34	13.6%	16.7%	28.6%	57.1%
35+	0.0%	25.0%	14.3%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)

3. How old are you?



	2001	2002	2003	2004
18-22	0.0%	0.0%	0.0%	0.0%
23-27	0.0%	0.0%	0.0%	14.3%
28-32	0.0%	8.3%	0.0%	0.0%
33-37	18.2%	0.0%	14.3%	0.0%
38-42	27.3%	0.0%	14.3%	0.0%
43-47	36.4%	58.3%	42.9%	42.9%
48-52	18.2%	16.7%	28.6%	42.9%
53+	0.0%	16.7%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)

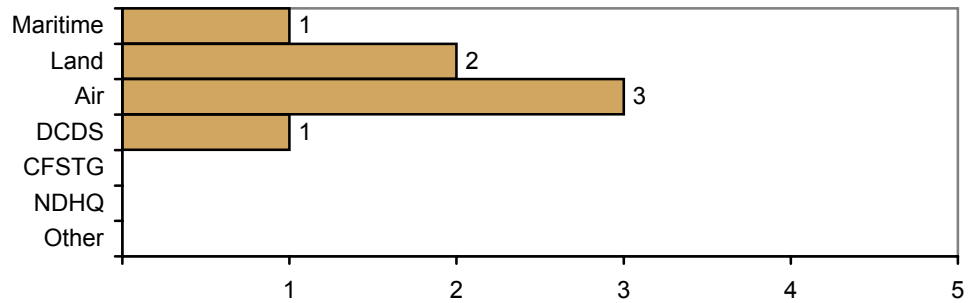
4. Are you:

	2001	2002	2003	2004
Male	90.9%	100.0%	100.0%	100.0%
Female	9.1%	0.0%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)

5. What is your first official language?

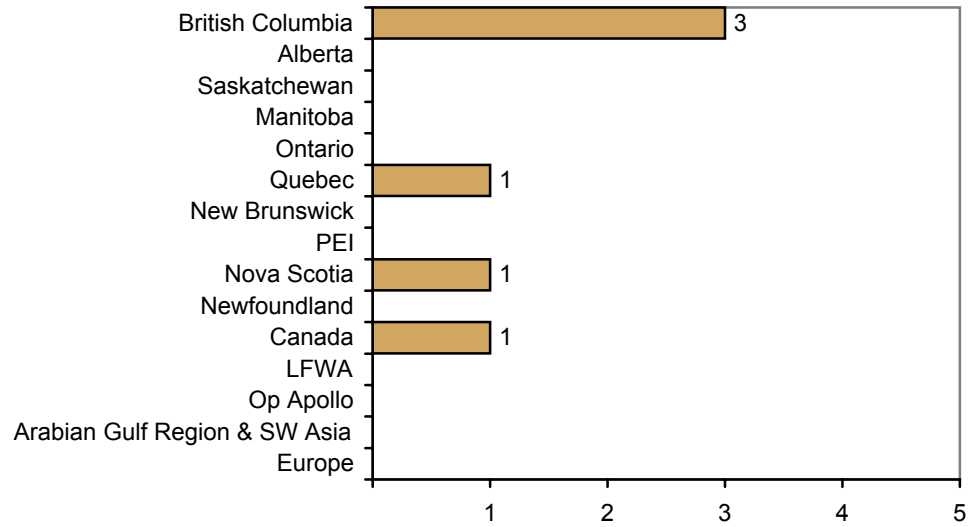
	2001	2002	2003	2004
English	81.8%	91.7%	85.7%	71.4%
French	18.2%	8.3%	14.3%	28.6%
	(n=22)	(n=12)	(n=7)	(n=7)

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



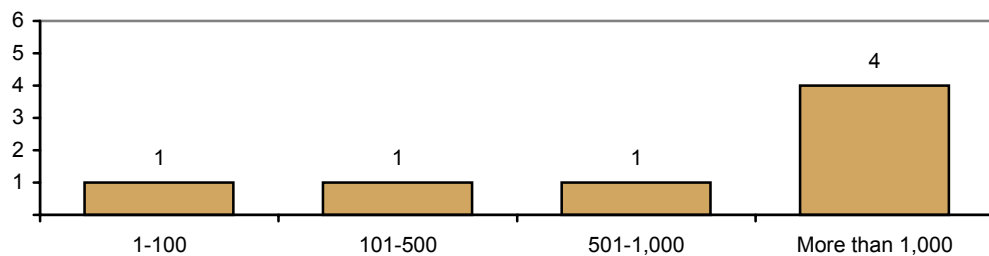
	2001	2002	2003	2004
Maritime	18.2%	16.7%	42.9%	14.3%
Land	40.9%	58.3%	28.6%	28.6%
Air	18.2%	0.0%	0.0%	42.9%
DCDS (Deployed Operations)	0.0%	0.0%	14.3%	14.3%
CFSTG (Training)	13.6%	16.7%	14.3%	0.0%
NDHQ	4.5%	8.3%	0.0%	0.0%
Other	4.5%	0.0%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)

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



	2001	2002	2003	2004
British Columbia	22.7%	0.0%	28.6%	42.9%
Alberta	0.0%	8.3%	0.0%	0.0%
Saskatchewan	0.0%	0.0%	0.0%	0.0%
Manitoba	0.0%	0.0%	0.0%	0.0%
Ontario	54.5%	33.3%	28.6%	0.0%
Quebec	13.6%	8.3%	0.0%	14.3%
New Brunswick	0.0%	16.7%	0.0%	0.0%
PEI	0.0%	8.3%	0.0%	0.0%
Nova Scotia	4.5%	0.0%	28.6%	14.3%
Newfoundland	0.0%	8.3%	0.0%	0.0%
Canada			14.3%	14.3%
LFWA	4.5%	0.0%	0.0%	0.0%
Op Apollo		8.3%	0.0%	0.0%
Arabian Gulf Region & SW Asia				14.3%
Europe	0.0%	8.3%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)

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



	2001	2002	2003	2004
1-100	4.5%	25.0%	0.0%	14.3%
101-500	45.5%	50.0%	42.9%	14.3%
501-1,000	31.8%	8.3%	0.0%	14.3%
More than 1,000	18.2%	16.7%	57.1%	57.1%
	(n=22)	(n=12)	(n=7)	(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 (Presiding Officer Certification Training)?**

	2001	2002	2003	2004
Yes	100.0%	100.0%	100.0%	100.0%
No	0.0%	0.0%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)

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)

2. **How many requests for review have you received from offenders convicted at summary trial?**

# of Request(s)	2001	2002	2003	2004
0	18.2%	8.3%	42.9%	14.3%
1	50.0%	50.0%	42.9%	57.1%
2	18.2%	8.3%	14.3%	28.6%
3	4.5%	25.0%	0.0%	0.0%
4	4.5%	0.0%	0.0%	0.0%
5	4.5%	8.3%	0.0%	0.0%
No Response		0.0%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)
Average	1.4	1.8	0.7	1.1

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

	2001	2002	2003	2004
Almost Always	9.1%	8.3%	28.6%	0.0%
Sometimes	31.8%	16.7%	42.9%	42.9%
Almost Never	40.9%	66.7%	28.6%	42.9%
No Response	18.2%	8.3%	0.0%	14.3%
	(n=22)	(n=12)	(n=7)	(n=7)

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

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Almost Always		91.7%	100.0%	85.7%
Sometimes		0.0%	0.0%	0.0%
Almost Never		0.0%	0.0%	0.0%
No Response		8.3%	0.0%	14.3%
		(n=12)	(n=7)	(n=7)

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

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Almost Always	77.3%	91.7%	100.0%	85.7%
Sometimes	9.1%	0.0%	0.0%	0.0%
Almost Never	0.0%	0.0%	0.0%	0.0%
No Response	13.6%	8.3%	0.0%	14.3%
	(n=22)	(n=12)	(n=7)	(n=7)

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

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Almost Always	63.6%	91.7%	85.7%	85.7%
Sometimes	27.3%	0.0%	14.3%	0.0%
Almost Never	0.0%	0.0%	0.0%	0.0%
No Response	9.1%	8.3%	0.0%	14.3%
	(n=22)	(n=12)	(n=7)	(n=7)

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

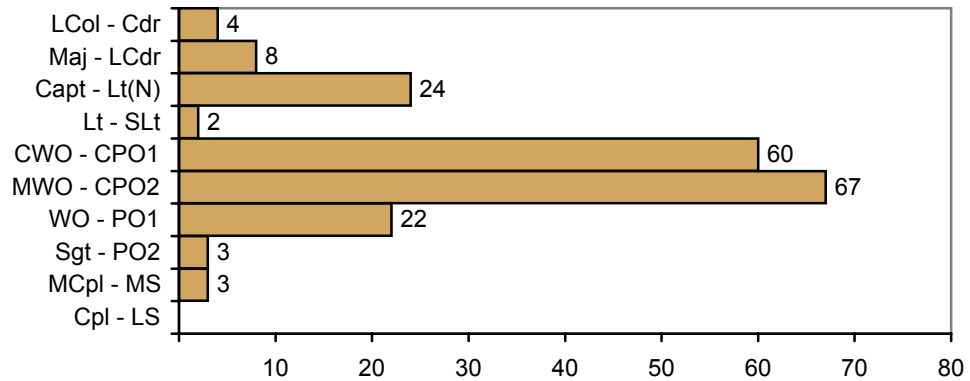
	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Yes	77.3%	75.0%	85.7%	85.7%
No	13.6%	16.7%	14.3%	0.0%
No Response	9.1%	8.3%	0.0%	14.3%
	(n=22)	(n=12)	(n=7)	(n=7)

Charging Authority

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2004	6	188	194	3.1%	96.9%
2003	28	157	185	15.1%	84.9%
2002	31	148	179	17.3%	82.7%

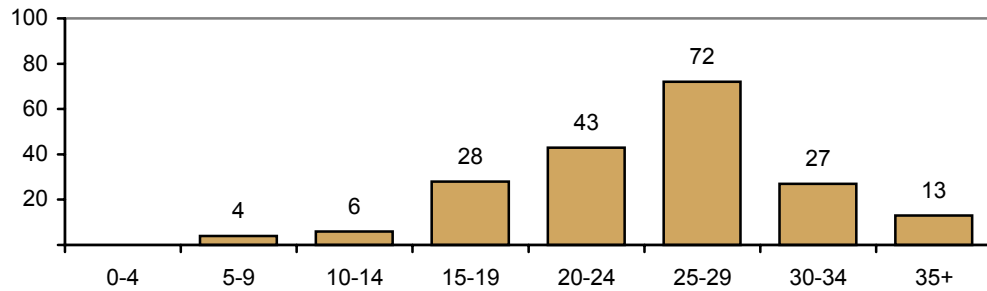
Section 1: Profile

1. What is your present rank?



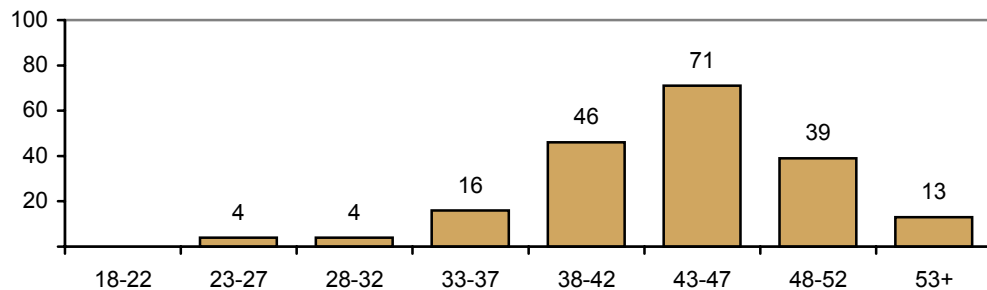
		2002	2003	2004
Sr Officers	LCol - Cdr	1.1%	0.0%	2.1%
	Maj - LCdr	4.5%	5.4%	4.1%
Jr Officers	Capt - Lt(N)	13.0%	9.8%	12.4%
	Lt - SLt	0.6%	0.0%	1.0%
NCM	CWO - CPO1	33.3%	32.6%	30.9%
	MWO - CPO2	37.9%	44.0%	34.5%
	WO - PO1	7.3%	6.5%	11.3%
	Sgt - PO2	1.1%	0.5%	1.5%
	MCpl - MS	1.1%	0.5%	1.5%
	Cpl - LS	40.0%	0.5%	0.0%
No Response				0.5%
		(n=177)	(n=184)	(n=194)

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



	2002	2003	2004
0-4	0.0%	0.0%	0.0%
5-9	0.6%	0.5%	2.1%
10-14	5.6%	3.8%	3.1%
15-19	6.2%	10.9%	14.5%
20-24	24.3%	25.0%	22.3%
25-29	39.5%	38.6%	37.3%
30-34	22.0%	19.6%	14.0%
35+	1.7%	1.6%	6.7%
	(n=177)	(n=184)	(n=193)

3. How old are you?



	2002	2003	2004
18-22	0.0%	0.0%	0.0%
23-27	0.6%	0.0%	2.1%
28-32	4.0%	2.7%	2.1%
33-37	6.8%	8.2%	8.3%
38-42	20.9%	27.7%	23.8%
43-47	43.5%	34.2%	36.8%
48-52	21.5%	21.7%	20.2%
53+	2.8%	5.4%	6.7%
	(n=177)	(n=184)	(n=193)

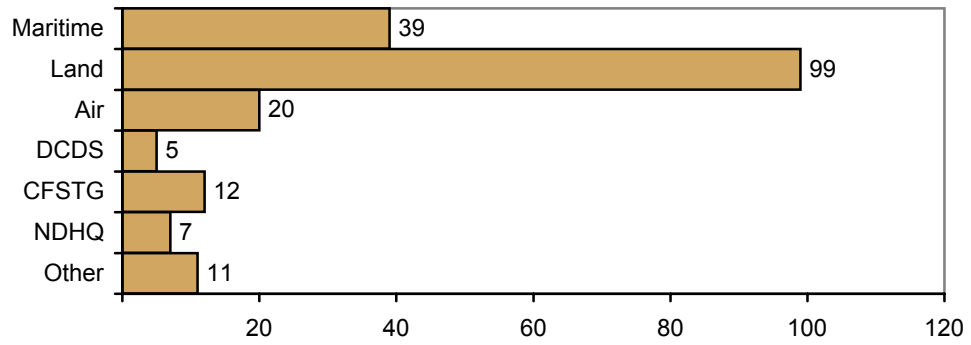
4. Are you:

	2002	2003	2004
Male	97.7%	97.3%	97.9%
Female	2.3%	2.7%	2.1%
	(n=177)	(n=184)	(n=193)

5. What is your first official language?

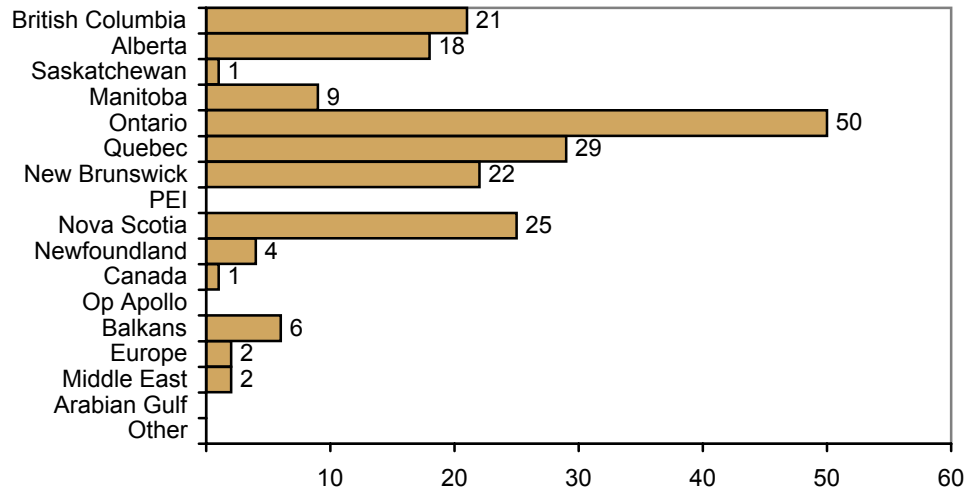
	2002	2003	2004
English	68.9%	62.5%	74.6%
French	31.1%	37.5%	25.4%
	(n=177)	(n=184)	(n=193)

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



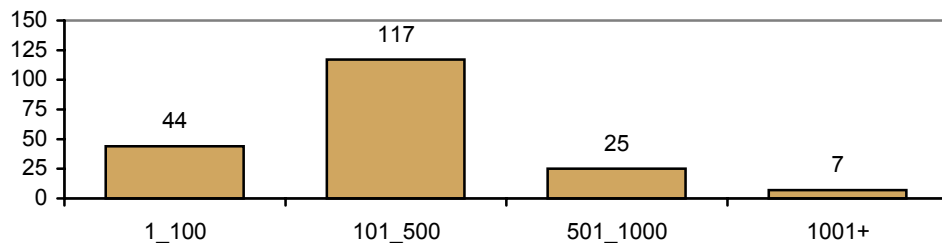
	2002	2003	2004
Maritime	18.1%	13.6%	20.2%
Land	56.5%	54.9%	51.3%
Air	9.0%	14.7%	10.4%
DCDS (Deployed Operations)	2.3%	2.2%	2.6%
CFSTG (Training)	5.1%	7.6%	6.2%
NDHQ	6.8%	2.7%	3.6%
Other	2.3%	4.3%	5.7%
	(n=177)	(n=184)	(n=193)

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



	2002	2003	2004
British Columbia	8.0%	10.4%	10.9%
Alberta	7.4%	6.6%	9.3%
Saskatchewan	1.1%	1.1%	0.5%
Manitoba	2.3%	2.2%	4.7%
Ontario	30.3%	36.6%	25.9%
Quebec	22.9%	23.0%	15.0%
New Brunswick	10.9%	8.7%	11.4%
PEI	0.0%	0.0%	1.0%
Nova Scotia	6.3%	6.0%	13.0%
Newfoundland	4.0%	1.1%	2.1%
Canada		0.5%	0.5%
Op Apollo	2.3%	0.5%	0.0%
Balkans	3.4%	1.1%	3.1%
Europe		1.6%	1.0%
Middle East	0.6%	0.5%	1.0%
Arabian Gulf Region & SW Asia			0.5%
Other	0.6%	0.0%	0.0%
	(n=175)	(n=183)	(n=193)

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



	2002	2003	2004
1-100	24.9%	15.4%	22.8%
101-500	58.2%	65.9%	60.6%
501-1,000	14.1%	14.3%	13.0%
More than 1,000	2.8%	4.4%	3.6%
	<i>(n=177)</i>	<i>(n=182)</i>	<i>(n=193)</i>

Section 2: Process

1. Have you laid charges under the Code of Service Discipline since January 1, 2003?

	2002	2003	2004
Yes	84.9%	81.1%	81.4%
No	14.5%	18.9%	18.0%
No Response	0.6%	0.0%	0.5%
	<i>(n=179)</i>	<i>(n=185)</i>	<i>(n=193)</i>

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

	2002	2003	2004
Authorized by CO	97.2%	96.8%	95.4%
Of the Military Police	2.8%	2.2%	3.1%
Assigned to Investigative duties with the NIS			
No Response	0.0%	1.1%	1.5%
	<i>(n=179)</i>	<i>(n=185)</i>	<i>(n=194)</i>

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

	2002	2003	2004
Yes	59.2%	62.2%	61.3%
No	40.2%	37.3%	37.6%
No Response	0.6%	0.5%	1.0%
	<i>(n=179)</i>	<i>(n=185)</i>	<i>(n=194)</i>

3.a) Have you completed the re-certification training for Presiding Officers?

	2004
Yes	5.2%
No	91.8%
No Response	3.1%
	<i>(n=194)</i>

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

	2002	2003	2004
Yes	36.3%	37.3%	29.9%
No	63.1%	61.6%	68.6% >> Go to Q.5
No Response	0.6%	1.1%	1.5%
	(n=179)	(n=185)	(n=194)

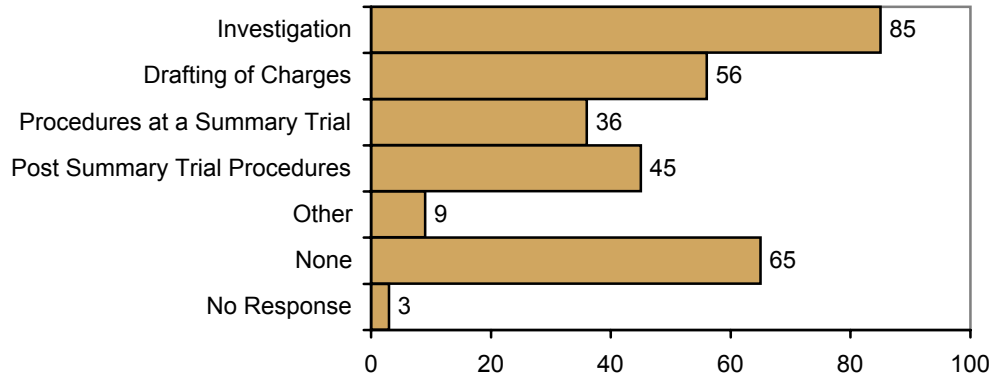
4.a) **If you answered "yes" to Question 4, please describe the training received?**

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

- 1 journée de formation sur les modificatifs apportés lors d'un procès sommaire
- 1. Ships Coxswain Course including specific summary trial training
- 2. Briefings from AJAG staff regarding updated procedures, etc.
- a one day Charging Authority course conducted by local AJAG Unit
- AJAG Professional Development
- Cbt ldrs Crse, Armd QL6A, Armd QL6B, Armd QL7, SLC, Annual Snr NCO Refresher Trg conducted at unit lvl.
- certification training for Presiding Officers, TFBH
- Cours de justice militaire
- Cours de Sergent-major de compagnie d'infanterie
- Cours SLC et le QL 7
- Covered MJ Presiding Officer's Pre-Course material as part of Ship's Coxswain Course.
- Coxn Course 1998
- Cox'n Course
- Presiding Officer training
- Coxswains course
- Coxswain's Course and Presiding Officer's Course
- drafting charges, investigations
- Formation préparatoire pour la formation d'officiers présidents
- I am a former Infantry MWO and have been trained throughout my various leadership crses.
- I took the Presiding Officer training in Nov 01
- ILQ-ST JEAN
- In depth portion of Ships Coxn Crse and additional sessions with AJAG CPO
- Inf QL7 as well presiding officers crse
- Infantry QL 7 Mil Law is covered in depth during the course.
- Infantry QL 7 course
- JAG briefings during COXN COURSE
- MILITARY LAW on QL 7 Crse and briefing or training laid on by AJAG
- Part of PD
- Persiding Officer Training
- POCT
- Policier militaire
- Presiding officer
- Presiding Officer Course
- Presiding Officer crse

- Presiding Officer Training
- Presiding Officer trg
- PRESIDING OFFICERS COURSE
- Presiding Officers Training
- presiding officier trg
- QL 6B
- QL7
- Presiding Officer trianing
- QL 7 and Presiding Offr Crse
- QL 7 Armd
- QL7- Drafting charges, Investigating Charges, Conducting Orders parade QR&O'S
- Interpretation
- QL7 INFANTRY
- QL7, SLC
- RECEIVED AND TAUGHT QR&O's DURING LEADERSHIP TRAINING
- SHIP COXSWAINS COURSE
- Ship's Coxswain Course
- SLC
- SLC (1984)
- QL7 Infantry CSM Course (1993)
- SLC course
- POTC course
- SLC
- 6B
- QL7
- SLC, Armd QL7, unit and Bde seminars, Computer based training(Mil Justice at the Summary Trial Level)
- SLC, QL 6B, QL 7 (MOC: 031)
- The Military Law Trg
- The ship's Coxn course, which is two weeks, has a 1 day period where AJAG gives a lecture, produces handouts and continues with the laying of a charge, and a mock trial.
- Training as part of the Coxswain course in CFB Esquimalt 6 months prior to assuming the position. Training consisted of presentaions from both JAG pers, Military Police and former Coxswains included several practical scenarios.
- Training on two Coxn Courses presented by the AJAG which covered the Military Justice System and the Summary Trial Procedure form the point of recieving a complaint till the completion of the trial. Also had the Persiding Officers Course and two update briefings from the AJAG Military Justice System and related procedures.

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



(n=194)

Other include the following:

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

- QR&O'S
- Administration of the RDP and Conduct Sheet
- Je suis assez à l'aise dans tout
- making the decision to lay a charge or not, specifically what constitutes a reasonable belief that the accused would be found guilty. It appears near impossible to make that determination without going through all aspects of the trial before laying the charge, thus it appears we only charge guilty people?
- Determination of charges
- Assisting Officers duties
- DEALING W/ CCC OFFENCES
- Interpretation of law for common offences

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

	2002	2003	2004	
Yes	80.4%	87.0%	83.5%	>> Go to Q.7
No	19.6%	13.0%	16.5%	
No Response	0.0%	0.0%	0.0%	
	(n=179)	(n=185)	(n=194)	

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

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

- For the most part yes but investigative procedures and techniques could be more thoroughly covered. As when deployed there is not normally resources that can be called in to assist except remotely.
- Due to the many changes wrt to military justice, a course/trg package is required
- Culturally there is a lack of exposure to disciplinary proceedings in the air force. Discipline tends to be much more rigorously maintained in the navy and army.

- The process is getting far to technical and administrative in nature. Summary Trial Process was to deal with small infractions to enable the accused to be charged, corrected and get back to proving that the punishment did in fact correct the member. However even the so call baby charges are getting far to cumbersome to deal with administratively and the process takes so long that the member is really being punished by having to wait and worry. Especially if you have to involve the military police and ajag. It can take month's for an investigation to be completed all the while knowing that the outcome will probably be a very minor punishment. In short far too much time being spent dotting the I's and crossing the T's for a minor offense. Once again process is far to difficult if you have to put an individual in detention barracks or Edmonton. The unit is left doing all the work and not really trained to do it. It should be as simple as calling the MP's or having them stand-by during a trial that potentially will put someone behind bars and after the trial they take the member away.
- have 100 +untrained member under command and little training is given to lay charges, administration and enforcing sentencing after charges
- I have had only one career course (Senior Leadership) that dealt with any of the things that I have had to do in this regard. That was too long ago, however I did remember what references that I needed to review and arranged interview with AJAG. SLC was conducted too early and I have had no refresher training since. Presiding training/accreditation is normally not permitted for NCMs.
- Require hands-on experience in the setup & conduct of a Summary Trial on the SLC/ILQ. Also, advisory limitations to the Presiding or delegate and investigative dos
- Après avoir reçu une brève formation de 2 jours en anglais. J'ai porté des accusations en français dans la même semaine que j'ai suivi la formation. Toutes les références documents et formulaires disponibles étaient en anglais. Jusqu'à ce moment jamais je n'avais été préparé à cette responsabilité.
- il faut de la pratique pour pouvoir bien comprendre le processus
- My particular MOC (291) does not have a large number of Charges Laid, therefore only my recent posting has allowed me to be involved more in the RDP process.
- As a support Trade background I have not had the requirement to charge anyone until I was Posted to the CFSME School
- The only training was the 1st charged laid, learn by error and sweat, but that seems to be the way we operate these days.
- I have never been involved in the Military Justice System during my whole Career. (A good thing but limited experience) I only had a Ships Cox'ns Course which was some time ago. I am planning to attend a Presiding Officers course when unit's program
- UNTIL I WAS POSTED INTO THIS POSITION, AND RANK, I HAD REC'D LITTLE OR NO TRG IN THE DISCIPLINARY PROCESS
- I haven't had recent experience with it prior to assuming the job as Adjt in a Res Unit
- experience alone is not enough
- Not really. Too many little nuances. Even the AJAGs have made mistakes. Only one charge is laid every 2 - 3 years. Need more training or practice, but would prefer there not be a need to charge anyone.
- I was to only one Summary Trial before performing this duty and that was 20 plus years earlier. More hands on. It is a must attend for all my students to witness Summary Trials, to expose them.

- Besoin de plus de formation sur la préparation et enquête.
- There is very little training with regard to conduct an investigation, the do's and don'ts to good question. When to question, who makes a good witness, how to take down a statement, etc
- Simply put I haven't had a lot of exposure to dealing with situations in this area.
- Aucune formation a l'unité
- Le travail que j'effectuai précédemment n'incluait pas la la responsabilité de porter des accusation et le seul contact que j'ai eu avec ce processus a été sur le SLC. Les sites intranet du JAG et la formation a l'unité m'ont grandement aidé mais certaines partie du processus sont encore quelques peu obscure, comme en ce qui concerne les proces sommaire qui doivent être jugé devant le commandant et devant un officier délégué. Il m'apparait que si une accusation doit être jugé devant un officier délégué, la description de l'infraction devrai etre plus simple a discerner. Cette distinction est quelquefois difficile a faire et il n'est pas nécessaire de voir un conseiller juridique dans le cas d'une accusation qui vaudra un procès devant officier délégué. Ceci occasionne parfois des accusation qui ne sont pas porté selon les règles de l'art et l'attitude des personnes qui porte les accusation est de dire que si l'accusation n'est pas fondé ou ne répond pas tout à fait aux critères, l'accusé sera de toute facon acquitté par l'officier délégué.
- NO MILITARY TRAINING FOR INVESTIGATION
1984 SLC WAS ONLY TRG RECIEVED
- Classroom training never reflects the real world, there is always a little confusion in regards to charge, procedures etc
- This was only briefly covered on MOSC. Need refresher training.
- Parce que sur les 10 ans de svc, 5 ont été passée au CMR. En 5 ans de "vrai" svc, je n'ai pas encore vu beaucoup de cas, donc je n'ai pas encore un éventail d'expériences très élargie.
- No, I need to take the presiding officers course
- Haven't had the opportunity or training
- Je n'ai aps eu suffisamment de cas disciplinaire pour me sentir à l'aise avec les procès verbaux ou procès par voie sommaire.

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

	2002	2003	2004
6A	35.8%	31.9%	33.5%
6B	14.5%	15.7%	10.3%
SLC	38.5%	35.1%	43.8%
Other	9.5%	16.2%	5.7%
No Response	1.7%	1.1%	6.7%
	(n=179)	(n=185)	(n=194)

Other (specify) :

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

- and again prior to assuming a position such as coxswain
- À titre d'enquêteur du SNE, selon moi le meilleur temps d'obtenir une formation en cette matière serait pendant le programme de stage des nouveaux membres au moment de leur mutation à une unité du SNE.
- When promoted to CPO2
- dans notre cas, au niveau du QL5
- ILQ
- ILQ
- PM NQ5
- PLQ
- PLQ
- PLQ
- PLQ
- ALQ
- PLQ Crse (former JNCO Crse)
- JLC
- JLC
- I would suggest 6A, SLC and Unit PD.
- You should start learning about the process on your 6A and learn more in depth as you progress in rank
- During the Cox'ns Course for sailors, don't know about the other environments.
- ALL THROUGH OUR CAREER
- A seperate course dealing entirely with Military Discipline. This should be a mandatory course for everyone newly promoted to Sgt.
- I am a CIC Officer and not involved with the RF training system
- QL 7 trg (MWO crse)
- 3B
- LIKE IT USED TO BE !
- PLQ Course
- JLC CRSE
- All, subsequent courses permit you to build on your knowledge base.
- N7
- Should start learning the basics as soon as you start taking leadership training and increase your knowledge commensurate with rank. Everyone at the rank of Sgt should have detailed knowledge of the process.

- DP3B
- On attaining the rank of SGT.

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

	<u>2004</u>
BOTC	29.9%
Occupational Training	43.8%
Other	18.0%
No Response	8.2%
	(n=194)

Other (specify) :

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

- A more senior course at the Capt/Lt(N) level.
- Flying Supervisor's Crse
- for air force officers, at AAOC
- HOD's board
- I don't know
- Into to the process during the entry level and more indepth as the member's career progresses.
- Leadership Training
- Must have some idea of operational requirements
- NEVER
- Once he/she reaches the rank of SlT (N)
- Once member is on Trained Effective Strength
- Once the rank of Capt is achieved
- Once they arrive at their first unit
- Phase III
- Prior to a posting that requires it.
- Prior to becoming a Delegated Officer
- Prior to being employ in that capacity
- prior to or when he attains the rank of Capt, sometimes they are place as Det commanders at this rank
- SAME AS MINE
- Training as Assisting Officer needs to be early as there is a stronger chance that they will be an assisting Officer prior to being in a position where they can lay a charge.
- When appointed by CO
- When Occupational Training has been completed.
- After promotion to LCDR
- MOSC
- Prior to appointment as charging authority
- Upon appointment to position (AdjT) that requires it
- Lorsque l'on occupe un poste exigeant cette formation. Ex: cmdt/a de ie, capt adjt.
- after he has served on a sea going authority
- PHASE 4
- A couple of years at the unit

- First Posting
- Once they are at their unit.
- Post 'D'-LVL TRG
- Offer occupational training in their first unit.

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

	<u>2002</u>	<u>2003</u>	<u>2004</u>	
Yes	83.8%	88.1%	89.2%	
No	16.2%	11.9%	10.8%	>> Go to Q.9
No Response	0.0%	0.0%	0.0%	
	<i>(n=179)</i>	<i>(n=185)</i>	<i>(n=194)</i>	

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.]

- - On-line QR&Os and CFAO's.
 - "Guide to Military Justice at the Summary Trial Level".
- - Presiding officer handbook
 - QRiO
 - LAN for links to relevant sites
- - QRO's
 - Presiding Officer's student publication
- A Local Aide Memoire prepared by the RMP
- Aide Memoire from the Directorate of Law Training
- an old copy of presiding officers trg, LFAAD 5.1.9 Aide Memoire, QR& O and CFAO, guide for accused and assisting officers
- Beside's all of the Regs and orders the Local JAG office has provide numerous quick reference guides to assist in carry out my duties and they are always available for advice if I need be.
- B-GG-005-027/AF-001Military Justice at the Summary Trial Level, Version 2.0 QR&O
- B-GG-005-027/AF-011
- B-GG-005-027/AF-011
- B-GG-005-027/AF-011 "Military Justice at the Summary Trial level" QR&O's & JAG website
- CFAO
- CFAO QR&O
- CFAO, QRandO, Military Justice Training Handouts
- CFAO, QRO
- CFAOs , QR&Os, The JAG Website, the Persiding Officer Tarining Manual.
- CFAO's Presiding Officer Manual
- CFAO's, QR&O's, DOAD's, Presiding Officer's Manual, LFAAD's
- DAOD
- DIN

- DIN military justice site
- DIN SITE FOR JAG
 - CFAO
 - DOAD
- Electronic QR&O'S Vol. 2
 - Cwo AJAG
- Guide to Military Justice
- HAND OUTS
- Handbook - Mil Justice at the Summary Trial Level, the associated Summary Trial video and QR&O's.
- http://jag.dwan.dnd.ca/training/publications/POCTManual_e.asp
- I still have the crse manual from the Presiding Officer crse.
- I use the DJAG as the authority.
- intranet
- intranet and JAG Web site
- IPO du SNEFC
- JAG site on the DIN, QR&O Vol II from the DIN
- JAG website, Presiding Officers course book
- LDN
 - ORFC, vol 2
 - OAFc, etc
- Le guide de l'officier president au proces sommaire
- Le livre de la formation des présidents de PVS, le chap 108 des ORFC et l'avocat conseiller pour mon unité.
- Le livre: Justice Militaire au Procès Sommaire et les QR&O Vol II
- Les guides que je download directement des sites
- Les ORFC
- LFAA DIRECTIVES
- LFAAD procedures for conducting a summary trial. I found this an excellent tool to work with.
- manuel des proces sommaires de FC
- manuel du cours d'officier président
- Mil Justice at the Summary Trial level
- Mil Justice at the Summary Trial Level aide de memorie
- -Military Justice - Summary Trial Process Version 1.1
 - QR&O's
 - CFAO's
 - National Defence Act
 - Advise from local AJAG
- Military Justice at the Summary Trial Level
- Military justice at the summary trial level v2.0, B-GG-005-027/AS-011
- Military Justice at the Summary Trial Level Version:1.1

- Military Justice Summary Trial trg book
 - CFAO
 - QR7Os
 - DAOD
- OAFC et ORFC
- On Line QR&O
 - Presiding Officer Book (Trg Package)
- On-line QR&O, CFAO and DAOD
- ORFC et tout les documents qui nous sont donnez lors de lecture que nous recevons durant l'année pour notre formation continue.
- ORFC vol 2 chap 103, 107, 108, B-GG-005-027/AF-011, les aides-mémoire prévus pour PVS.
- ORFC VOL II
- ORFC
 - Guide de justice militaire donner lors de la formation.
- ORFC
 - Justice mil au procès version 2.0
 - Pamphlet enquête et accusation
- POCT Desk reference manual
 - QR&O online
- POCT documents
- POCT Manual/Notes
 - QR&O
 - Legal Adviser
 - Squadron Chief Warrant Officer
- Presiding O book and on line reference
- Presiding Officer book
 - QR&O's
 - CFAO's/DOAD's
- Presiding Officer Book.
- Presiding Officer course handout
- Presiding Officer's Handbook
 - JAG office
- Presiding Officer's manual
 - QR&Os
- QR & O's
- QR & O's
- QR & O's & the various DIN Sites.
- QR & O's
 - Presiding Officer's Course Matreial
 - Local packages put together by former Coxswains
- QR & Os, NDA,
 - Guide to Military Justice
- QR &O VOL 2

- QR AND O VOL 11
PRESIDING OFFICERS HANDBOOK
CFAOS
MARTINS CRIMINAL CODE
- qr and o
guide for assisting officers
- QR& O VOL II
- QR& O's
CFAO's
- QR&O
- QR&O
- QR&O
- QR&O
- QR&O
- QR&O DOAD CFAO
- QR&O (online)
Military Justice at the Summary Trial Level (excellent reference manual)
- QR&O and information received by ADJG
- QR&O VOL 2, MIL JUSTICE AT THE SUMMARY TRIAL LVL
- QR&O Vol 3 on the DIN
- QR&O VOL II
- QR&O Vol II and the Presiding Officers Guide
- QR&O Vol II
B-GG-005-027/AF-011
- QR&O Vol II, B-GG-005-027/AF-011
- QR&O Voll II
Presiding Officers Book
- QR&O Volume II
- QR&O □ Presiding Officer Study Material
- QR&O
Presiding Officer trg manual
- QR&O, CFAO and DAOD online.
QR&O online needs to be improved so it is searchable, perhaps a .pdf file format.
It would be very helpful to have links to QR&O, the pertinent CFAOs and DOADs and
daily bulletins, additional guidance and training, on a special page for those with
Charging Authority. This would be one central location for forms, standards etc.
- QR&O, CFAO, DAOD
- QR&O, Presiding Officers Course Handout, local AJAG Unit - Unit JAG Officer
- QR&O's
- QR&O's
- QR&Os / NDA
Intranet/JAG Site
- QR&Os 107, QR&Os 108 and QR&Os 109, NDA
- QR&Os and related refs.
- QR&O's CFAO's

- QR&O'S VOL 1,2
 - CFAOS
 - DAOD
- qr&o's vol 2
- QR&O's
 - CFAO's
- QR&O's
 - manual for the certification training for Presiding Officers
- QR&Os
 - Military Justice and Summary Trial Manual
- QR&Os
 - Military Justice At The Summary Trial
- QR&O's
 - Military Justice at the Summary Trial Level Version 2.0
- QR&Os
 - Military Justice Handbook
- QR&O's
 - Persiding Officer Course Material
 - Notes from Briefings
 - AJAG Web Site
 - AJAG Personnel
- QR&O's, Aide Memoire and notes provided by AJAG Atlantic CPO
- QR&O'S, AND PRESIDING OFFICER SUMMARY TRIAL STUDENT STUDY MANUAL
- QR&Os, CFAO, book issued at the Presiding Officer's course, Criminal Code book
- QR&Os, CFAOs, Presiding Officer training handbook
- QR&Os, DAODs, CFAOs, MarCords, NavResOrds
- QR&O's, LFAAD's, Certification Training Book for Presiding Officers crse
- QR&O's, Military Justice at the Summary Trial Level, The Investigation and Charging process in the Military Justice System, Guide for the accused and assisting Odfficers,
- QR&O'S, PAMS from AJAG,
- QR&Os, Presiding Officer and Coxswains Course hand outs
- QR&O's, PRESIDING OFFICERS CRSE PACKAGE
- QR&Os, Summary Trial Level training guide.
- QR&O's, the Presiding Officers Handbook, and the Criminal Code of Canada
- QR&Os, Unit SOPs
- QR&Os,
 - NDA,
 - Presiding Officers Training Package,
 - Assisting Officers, package,
- QR&Os.
 - DAODs.
 - NDA.
- QR7Os 1-3, Mil Justice at the Summary trial level, baseline, JAG web site
- QR'Os
- QROs/DOADs/CFAOs/Unit/Base Standing Orders

- RID: Justice militaire
Avis légaux du Juge-Avocat
- Summary Trial Aide Memoire, QR&O
- Summary Trial HandBook
QR&O
CFAO
- Summary Trial Handbook, QR&Os
- The book " Military Justice at the summary trial level and QRO's
- the INVESTIGATION and CHARGING process in the MILITARY JUSTICE SYSTEM
- The notes and handouts from the Presiding Officer's course has proven to be extremely valuable in the decision making process of if and when the laying of charges would be appropriate.
- The Video that was produced by JAG to guide you.
- Unit cheat sheets, created by the adjutant.
- Vol II QR&O
Military Justice - Summary Trial Manual
Legal Advisor

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

	2002	2003	2004	
Yes	89.4%			>> Go to Q.9.b
No	8.4%			
Always		72.4%	70.6%	>> Go to Q.9.b
Sometimes		24.9%	26.8%	>> Go to Q.9.b
Never		2.7%	2.6%	
No Response	2.2%	0.0%	0.0%	
	(n=179)	(n=185)	(n=194)	

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

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

- I go to my RSM and if warranted then to the Legal Officer, through the RSM.
- I Use advice from Bdg legal dept
- The current CWO is in contact regularly and passes relevant information and instructions to staff.
- the only legal advice I receive is from JAG
- This goes thru my adjutant.

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

	2002	2003	2004
Always	67.6%	67.0%	66.0%
Sometimes	27.4%	30.8%	30.4%
Never	0.0%	0.0%	1.5%
N/A (Never sought legal advice)	4.5%	2.2%	1.0% >> Go to Q.10
No Response	0.6%	0.0%	1.0%
	(n=179)	(n=185)	(n=194)

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

	2002	2003	2004
Almost Always	75.9%	77.3%	76.8%
Sometimes	22.4%	19.9%	22.1%
Almost Never	0.0%	0.0%	1.1%
No Response	1.8%	2.8%	0.0%
	(n=170)	(n=181)	(n=190)

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

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

- All legal Advisors are not the same, the ones I have felt most comfortable dealing with have given their advice in writing and have explain the refs upon which they have based their recommendations. My current Legal Advisor does this, but I have had Legal Advisors in the past who have simply said do this or that verbally with little or no explanation.
- Annual presentation of any updates in procedures and etc
- Annual training
- Answer the bloody questions in a timely fashion!
- answer the question not give a long drawn out answer which has to many if's buts and never comes to the point
- Assistance has always been enough
- Assistance has always been good.
- Aucun problème
- Be available during training nights.
- Be more accurate. One mistake resulted in a long delay by referring disposal of RDP to wrong authority.
- be more available
- Be more available for discussing the legal process.
- BE MORE AVAILABLE FOR ONE ON ONE CONFORSATION VICE E-MAIL
- Be more conversant with the Army
More experienced (if possible)
- Better availability, treat the charges more expediantly
- Better consistency
- Between the reference material available and the recommendations it was always sufficient.

- Briefings tailored to normal working atmosphere for the target audience ie, Sr NCO's and Junior NCO's.
- By going with court martial offences instead of advising that its a court martial offence and being scared to proceed
- By maybe having additional staff
- CHAT MORE AND IN SOME CASES HAVE A QUICKER TURN AROUND TIME W/ RDPS
- Coming from one Canadian Area to another, I find that different areas have different levels of Do's and Don'ts. There must be a CF standard, including in writing Charge reports.
- Consistency
- De continuer à être disponible en tout temps!!!!
- Des fois j'obtiens quelques différences d'opinions sur un même sujet (surtout lorsque les avocats se remplacent entre eux lors des périodes de congé). Alors on se demande lequel a raison...
- Doing good now. No need to change.
- En donnant une meilleure appréciation des faiblesses ou de la consistance de la preuve présentée. Les enquêtes pourraient ainsi être mieux menées.
- En étant plus claire et en orientant un peu plus les titres d'accusation.
- En nous fournissant un guide de ce que l'accusé pourrait recevoir comme sentence si il s'avère coupable. (pour le président)
- Excellente coopération jusqu'à maintenant
- Faster response time.
- faster turn around of specimen charges.
- Formation annuel de type mise à jour
- GET DOWN TO MY LEVEL i DO NOT HAVE A UNIVERSITY DEGREE
QR&Os ON LINE UNUSABLE, OUT OF DATE, FULL OF MISTAKES
- Give a straight answer
- Give clearer answers
- give straight answers
- Good the way it is.
- Have a better knowledge and understanding of what a CSM is trying to accomplish when charges are laid and the need for quick response time.
- Have more knowledge of the Mil Law System. I belong to an Army Reserve Unit and our JAG Officer is a reservist who works in civil and family law. I most often feel I know more about the Mil Law System than he does.
- Have more legal advisors so the turn around time on files is quicker.
- Have more of them to enable each base to on site assistance.
Bet you never thought anyone would actually say there aren't enough lawyers?
- Have not had any problems as yet.
- Have one readily available Office nearby
- Have received excellent support - always available; provides quick, clear advice and direction
- Having a unified process whereby other unit info can be looked at as a reference.
- Having been on 3 Bases in the last 7 years and having dealt with the DJAGs on all three, the advice and guidance has been excellent.

- He or she must be aware of the environment they serve in.
- Help better explain or provide "better" documentation that explains terms, etc.
- His annual unit briefing is very good.
- I am happy that there is someone available to talk to when I need them
- I don't think the individual could, until the laying of charges process is better articulated in the published guidance (ie manual)
- I don't think you could receive better info however both parties must realize that it is guidance and not always will both parties see eye to eye on that guidance and in some cases it may be disregarded.
- I find that in most cases they are reluctant to lay charges. They look for easier way out.
- I find that sometimes the AJAG concentrates too much on being a lawyer and not enough on being a CF member. I have seen cases that charges that should have been laid were in fact set aside, in favour of charges that were a "sure thing". Whether the accused is found guilty or not, if he/she has committed an offence against the NDA then they should at least be charged with the infraction. Let the presiding officer or the courts martial decide whether the accused is guilty or not. Not the AJAG.
- I have been repeatedly surprised and pleased by the level of professionalism and thoroughness provided.
- I have not had any problem either here or in my last posting with legal advice
- I recommend that we have more than one.
- I trust his professional opinion, trust mine
- I would say to be available to provide some PD to Senior members on the legal process and what recent changes have come about.
- If he was co-located with the base he provides the service to
- Il répond très bien à mes questions
- In Canada the wait for legal advice is long and getting longer.
- In some cases there are not enough AJAGs
- Je n'ai pas de problème à avoir l'assistance nécessaire mais si nous avions un Adjudc spécialisé dans le domaine, nous sauverions beaucoup de temps et ceci, faciliterait le travail de chacun d'Entre-nous.
- La section qui revise le procès nous ordonner de le recommencer sur la base que les accusations étaient mal monté alors quelles avaient été revisées par notre conseiller juridique qui travail dans le même bureau.
- Less "Legalise" More layman's terminology
- Local training and/or regular (monthly?) briefings.
- Lorsqu'un cas se présente ou l'accusation ne devrait pas être porté (devant officier délégué ou commandant). Le conseiller juridique qui est un expert devrait donner par écrit les raisons afin que la personne qui peut porter des accusations puisse supporter sa décision devant les autorités supérieures.
- More briefings on the ever evolving process and changes, particularly on some of the legal loopholes that laymen are not familiar with, and tend to err at
- MORE CONCISE AND BETTER FORMATTED FORMS
- More info on the Presiding Officers Crse and push Unit to ensure the right pers get on this Crse.
- NA
- Nil Comment

- No complaints.
- No requirement at this time for additional assistance.
- Not being so busy
- Nous avons un excellent appui de celui-ci
- One Militia Brigade JAG Advisor was so new, I had to explain to him what the issues were and how he needed to go about following up for answers
- Our (current) Legal Advisor and the AJAG CPO have always been accessible and helpful
- Our RMP's normally provide sound advise and guidance
- Par des séances de développement professionnelle destinés aux SMC et Cmdt de cie.
- Provide a handout detailing the steps required to obtain full disclosure from MPs, what is required to be returned and what should be kept and for how long post trial.
- Provide assistance/guidance in a timely manner.
- Provide yearly continuation training
- Providing faster responses
- Quicker turnaround time
- Return charges quicker
- Review paperwork requirements as the AJAG personnel are more up-to-date on this than we are.
- Secure E Mail for deployed operations
- Stop changing their minds
- Talk in common everyday language.
- the legal advisor could investigate and lay the charges for me...other than that, there's not much more he can do.
- The legal advisor to my unit is a Reservist and works from her home. Always available and attentive to my questions and concerns
- The local AJAG has provided excellent support
- There could be more of them.
- There does not appear to be any consistency in legal advice provided. Asking four different legal officers will normally result in four opinions.
- there isnt one
- They are always doing a fine work.
- They could be more opened minded and focused on army issues.
- Understand that my MOC 031 is somewhat unique when dealing with diciplinary problem
- Unsure?
- Use a proforma similar to the one used by the Toronto JAG office to give legal advice
- We are very happy with the legal service which we receive.
- When on major deployments, a lawyer should be attached for the entire deployment!
- Working fine for me.

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

	<u>2002</u>	<u>2003</u>	<u>2004</u>
Yes	73.7%	78.4%	82.0%
No	19.0%	16.2%	15.5%
No Response	7.3%	5.4%	2.6%
	<i>(n=179)</i>	<i>(n=185)</i>	<i>(n=194)</i>

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

	<u>2002</u>
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?**

	<u>2002</u>	<u>2003</u>	<u>2004</u>
Yes	93.3%	89.2%	89.7% >> Go to Q.11
No	6.1%	9.7%	9.8%
No Response	0.6%	1.1%	0.5%
	(n=179)	(n=185)	(n=194)

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

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

- It is difficult to save. A new RDP must be typed up if their are changes require prior to laying charges
- Aucune plateforme informatisé ADÉQUATE.
- Advise is required
- I am not comfortable using it. For that reason I give it to a clerk with all of the information that needs to go in it and they put the info in the appropriate places.
- En fait, il est relativement facile à utiliser. Tout ce que je vois, c'est qu'à la partie 3, au choix à un cour martiale, il devrait y avoir un case qui nous permet de spécifier si effectivemet l'accuser y a droit ou non.
- the electronic form is cumbersome and is not easy to move from field to field
- I do not maintain this document, therefore I am unable to answer.
- Il semble que la formule(contrairement à d'autre formulaires sur l'ordinateur) est quelques peu compliqués, avec des boîtes à ouvrir.
- There are too many variations of the RDP available on the DIN. The most current one should be available for download from the AJAG DIN site.
- I DO NOT HAVE A TYPERATOR AND THE HARD COPY IS NOT USER FRIENDLY
- the electronic copy have these macros that require a disk to be inserted into the computer. With the PKI system, this in not necessary.
- Although completing the charges were easily accomplished, I had to contact the unit IT personnel to be able to access/ annotate the Member's SN, name and rank on the document.
- Minor point: On the current form there is no space to list witness etc. I feel that with the previous versions all the information was contained in one document.
- Overly complex

- Being my first attempt at charging a person, I found the CF 78 complicated and difficult to comprehend some of the nuances required. This was particularly true with respect to providing the list of witnesses.
- could be more clearer in the QR&O's about what goes in blanks
- pages are mixed up
- I have yet to use the CF 78. There is no position in Question 10 for N/A.
- It does not work with the default security setting of MS Word.
 - The margins are set outside the limits for many printers.
 - The separation between the "Particulars:" entry and statement of particulars entry box are not clear. There should be a space between the two boxes.
 - Help fields could be added to the document to explain what goes into each box and the proper format when you move your mouse over the box.
 - The examples in QR&O are very limited. A number of examples should be published on the Charging Authority web page that show typical variations and problems encountered with multiple charges, etc.

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

	2002	2003	2004
Almost Always	14.0%	12.4%	19.6%
Sometimes	64.8%	71.9%	63.4%
Almost Never	19.6%	15.7%	16.0%
No Response	1.7%	0.0%	1.0%
	<i>(n=179)</i>	<i>(n=185)</i>	<i>(n=194)</i>