

Survey on the Summary Trial Process

2005					
Number of Respondents	Mail	On-Line	Total	% of Total	% On-Line
Accused	16	101	117	13.7%	86.3%
Assisting Officer	23	162	185	21.7%	87.6%
Presiding Officer	17	157	174	20.4%	90.2%
Commanding Officer	3	170	173	20.3%	98.3%
Review Authority	0	9	9	1.1%	100.0%
Charging Authority	12	183	195	22.9%	93.8%
Total	71	782	853	100.0%	91.7%

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%

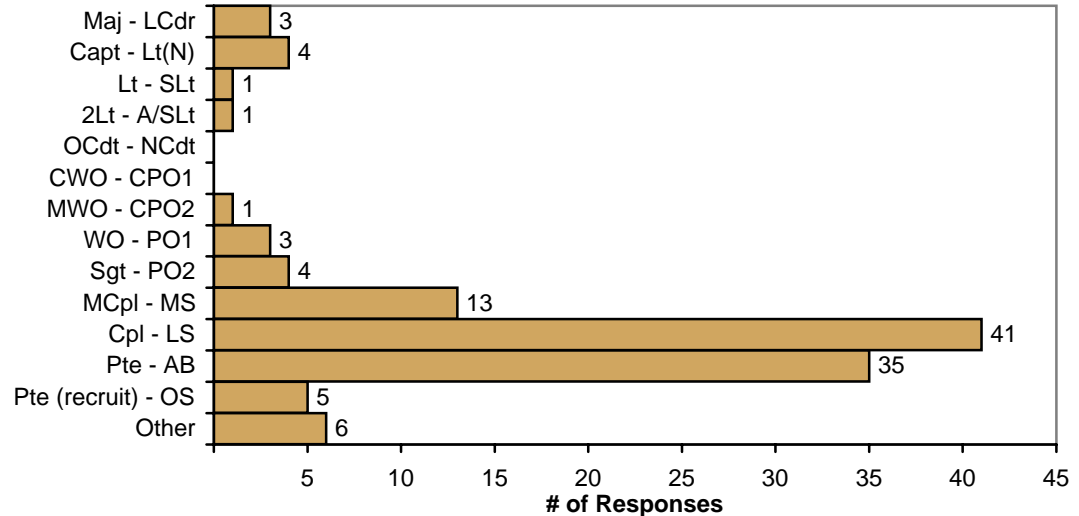
2001					
Number of Respondents	Mail	On-Line	Total	% of Total	% On-Line
Accused	15	58	73	9.5%	79.5%
Assisting Officer	22	169	191	24.8%	88.5%
Presiding Officer	31	220	251	32.6%	87.6%
Commanding Officer	27	205	232	30.2%	88.4%
Review Authority	4	18	22	2.9%	81.8%
Total	99	670	769	100.0%	87.1%

Accused

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2005	16	101	117	13.7%	86.3%
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%

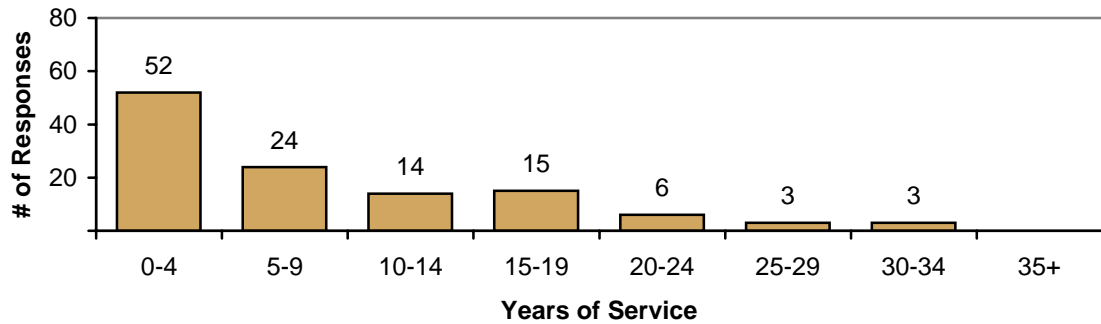
Section 1: Profile

1. What is your present rank?



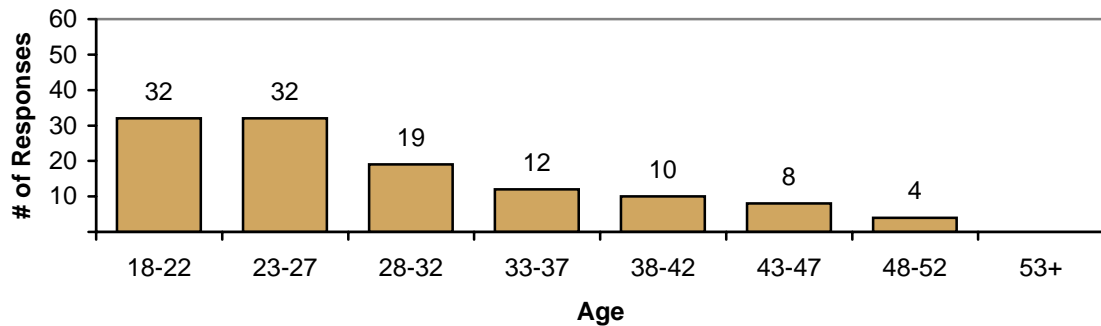
		2001	2002	2003	2004	2005
Sr Officers	Maj - LCdr	1.4%	0.0%	0.7%	2.2%	2.6%
Jr Officers	Capt - Lt(N)	1.4%	8.0%	3.0%	4.3%	3.4%
	Lt - SLt	4.2%	0.0%	0.0%	1.1%	0.9%
	2Lt - A/SLt		4.0%	1.5%	0.0%	0.9%
Subr Officers	OCdt - NCdt	4.2%	8.0%	0.7%	0.0%	0.0%
NCM	CWO - CPO1	1.4%	0.0%	0.7%	0.0%	0.0%
	MWO - CPO2	0.0%	2.0%	0.7%	1.1%	0.9%
	WO - PO1	1.4%	4.0%	2.2%	4.3%	2.6%
	Sgt - PO2	16.9%	12.0%	8.1%	8.6%	3.4%
	MCpl - MS	19.7%	4.0%	5.9%	8.6%	11.1%
	Cpl - LS	29.6%	40.0%	29.6%	19.4%	35.0%
	Pte - AB	16.9%	16.0%	40.7%	32.3%	29.9%
	Pte (recruit) - OS			5.2%	16.1%	4.3%
Appointments	Other	2.8%	2.0%	0.7%	2.2%	5.1%
		(n=71)	(n=50)	(n=135)	(n=93)	(n=117)

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



	2001	2002	2003	2004	2005
0-4	29.6%	28.0%	47.4%	46.2%	44.4%
5-9	9.9%	24.0%	17.0%	16.1%	20.5%
10-14	19.7%	16.0%	14.1%	10.8%	12.0%
15-19	21.1%	8.0%	11.9%	14.0%	12.8%
20-24	12.7%	14.0%	5.2%	6.5%	5.1%
25-29	4.2%	10.0%	2.2%	4.3%	2.6%
30-34	2.8%	0.0%	0.7%	2.2%	2.6%
35+			1.5%	0.0%	0.0%
	(n=71)	(n=50)	(n=135)	(n=93)	(n=117)

3. How old are you?



	2001	2002	2003	2004	2005
18-22	16.9%	30.0%	35.1%	24.7%	27.4%
23-27	16.9%	20.0%	25.4%	29.0%	27.4%
28-32	11.3%	10.0%	9.0%	11.8%	16.2%
33-37	26.8%	14.0%	14.2%	8.6%	10.3%
38-42	21.1%	16.0%	11.2%	17.2%	8.5%
43-47	4.2%	10.0%	3.7%	4.3%	6.8%
48-52	2.8%	0.0%	0.0%	3.2%	3.4%
53+			1.5%	1.1%	0.0%
	(n=71)	(n=50)	(n=134)	(n=93)	(n=117)

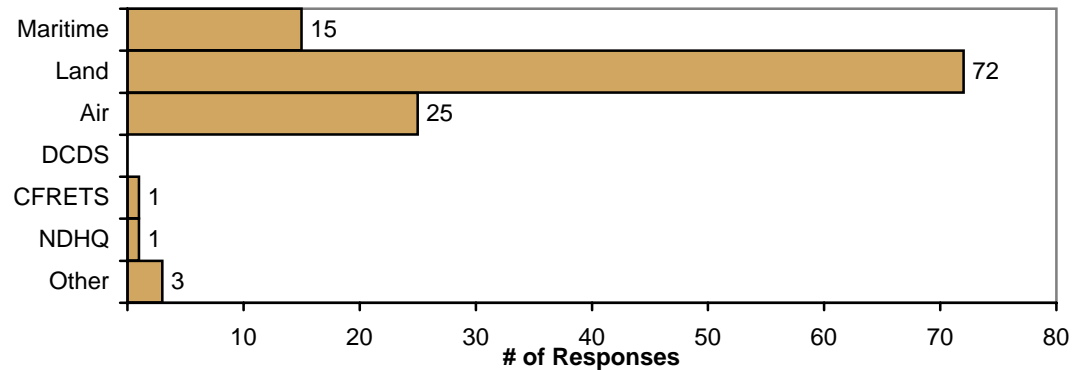
4. Are you:

	2001	2002	2003	2004	2005
Male	91.4%	92.0%	93.3%	91.4%	94.9%
Female	8.6%	8.0%	6.7%	8.6%	5.1%
	(n=70)	(n=50)	(n=135)	(n=93)	(n=117)

5. What is your first official language?

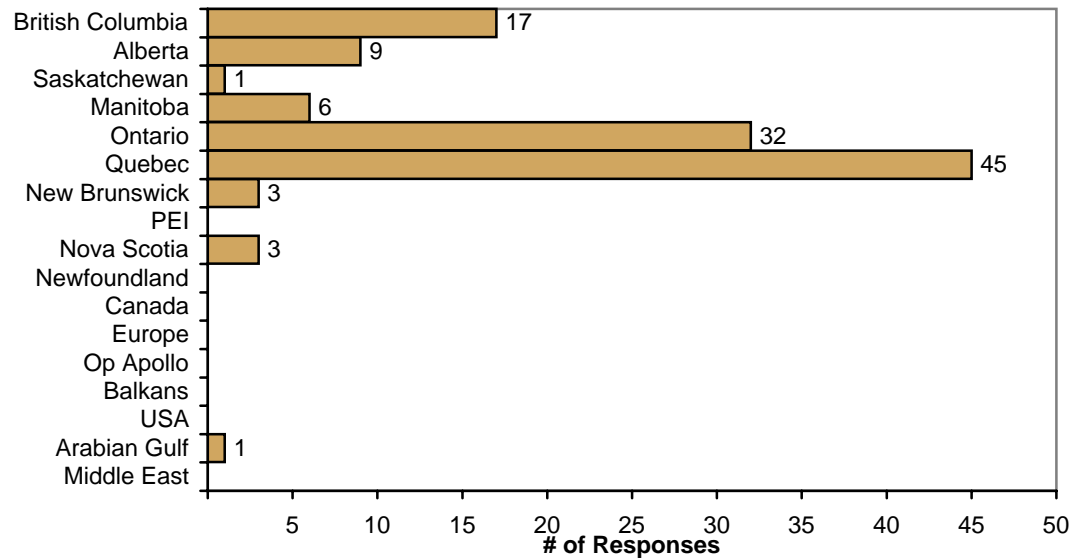
	2001	2002	2003	2004	2005
English	76.1%	58.0%	83.7%	88.2%	59.8%
French	23.9%	42.0%	16.3%	11.8%	40.2%
	(n=71)	(n=50)	(n=135)	(n=93)	(n=117)

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



	2001	2002	2003	2004	2005
Maritime	29.0%	18.0%	20.0%	33.3%	12.8%
Land	42.0%	40.0%	54.8%	50.5%	61.5%
Air	15.9%	32.0%	20.0%	8.6%	21.4%
DCDS (Deployed Operations)	0.0%	0.0%	1.5%	1.1%	0.0%
CFSTG (Training)	8.7%	10.0%	3.0%	2.2%	0.9%
NDHQ	4.3%	0.0%	0.0%	2.2%	0.9%
Other	0.0%	0.0%	0.7%	2.2%	2.6%
	(n=69)	(n=50)	(n=135)	(n=93)	(n=117)

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



	2001	2002	2003	2004	2005
British Columbia	25.4%	8.0%	11.9%	16.5%	14.5%
Alberta	16.9%	6.0%	10.4%	9.9%	7.7%
Saskatchewan	1.4%	0.0%	0.0%	0.0%	0.9%
Manitoba	0.0%	4.0%	5.2%	2.2%	5.1%
Ontario	28.2%	34.0%	47.0%	31.9%	27.4%
Quebec	15.5%	22.0%	9.0%	4.4%	38.5%
New Brunswick	1.4%	4.0%	3.7%	8.8%	2.6%
PEI	0.0%	0.0%	0.0%	0.0%	0.0%
Nova Scotia	7.0%	10.0%	8.2%	17.6%	2.6%
Newfoundland	0.0%	4.0%	0.0%	1.1%	0.0%
Canada		2.0%	0.0%	0.0%	0.0%
Europe			2.2%	0.0%	0.0%
Op Apollo		2.0%	0.0%	0.0%	0.0%
Balkans	4.2%	2.0%	0.0%	2.2%	0.0%
USA				1.1%	0.0%
Arabian Gulf Region & SW Asia				4.4%	0.9%
Middle East	0.0%	2.0%	2.2%	0.0%	0.0%
	(n=71)	(n=50)	(n=134)	(n=91)	(n=117)

Section 2: Process

1. Did you request a specific Assisting Officer?

	2001	2002	2003	2004	2005
Yes	55.6%	47.4%	37.9%	46.2%	35.9%
No	44.4%	52.6%	62.1%	53.8%	64.1% >> Go to Q.2
	(n=72)	(n=57)	(n=140)	(n=93)	(n=117)

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

	2001	2002	2003	2004	2005
Yes	80.0%	74.1%	73.6%	81.4%	66.7% >> Go to Q.3
No	17.5%	25.9%	26.4%	16.3%	31.0%
No Response	2.5%	0.0%	0.0%	2.3%	2.4%
	(n=40)	(n=27)	(n=53)	(n=43)	(n=42)

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

	2001	2002	2003	2004	2005
Yes	89.7%	97.3%	96.0%	96.5%	89.8% >> Go to Q.3
No	7.7%	2.7%	2.0%	3.5%	6.8%
No Response	2.6%	0.0%	2.0%	0.0%	3.4%
	(n=39)	(n=37)	(n=101)	(n=57)	(n=88)

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

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

- Was told the Unit couldn't afford the assisting Officer of my choice (was from adjacent base)
- time was not available according to comd officer
- Aucune idée
- I felt that the assisting officer provided for me was sufficient
- il me convenait

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

	2001	2002	2003	2004	2005
Yes	54.2%	68.4%	46.4%	57.0%	51.3%
No	44.4%	31.6%	53.6%	43.0%	47.9% >> Go to Q.4
No Response	1.4%	0.0%	0.0%	0.0%	0.9%
	(n=72)	(n=57)	(n=140)	(n=93)	(n=117)

 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	2005
Yes	80.0%	84.6%	76.9%	79.2%	78.3% >> Go to Q.4
No	15.0%	10.3%	20.0%	15.1%	13.3%
No Response	5.0%	5.1%	3.1%	5.7%	8.3%
	(n=40)	(n=39)	(n=65)	(n=53)	(n=60)

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

	2001	2002	2003	2004	2005
Yes	0.0%	0.0%	23.1%	37.5%	62.5%
No	85.7%	100.0%	69.2%	62.5%	37.5% >> Go to Q.4
No Response	14.3%	0.0%	7.7%	0.0%	0.0%
	(n=7)	(n=4)	(n=13)	(n=8)	(n=8)

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

	2004	2005	
Yes	66.7%	40.0%	>> Go to Q.4
No	33.3%	60.0%	
No Response	0.0%	0.0%	
	(n=3)	(n=5)	

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

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

- Aucune raison a été donné
- It happened to fall on a holiday wknd and it took almost a year to be charged.
- They " RSM of the strats" wanted to rail road us" make an example"

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?**

	2001	2002
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?

	2003	2004	2005
Yes	83.6%	82.8%	82.1%
No	14.3%	15.1%	14.5%
No Response	2.1%	2.2%	3.4%
	(n=140)	(n=93)	(n=117)

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

	2003	2004	2005
Yes	82.1%	83.9%	81.2%
No	16.4%	15.1%	16.2%
No Response	1.4%	1.1%	2.6%
	(n=140)	(n=93)	(n=117)

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

	2001	2002	2003	2004	2005
Yes	80.6%	80.7%	81.4%	81.7%	78.6%
No	19.4%	17.5%	16.4%	16.1%	18.8%
No Response	0.0%	1.8%	2.1%	2.2%	2.6%
	(n=72)	(n=57)	(n=140)	(n=93)	(n=117)

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.]

- First I was offered c.m. but then denied after I elected to be tried by c.m. Then the charges were reissued several more times for summary trial. After asking for pertinent documents, higher ranks refused and made it difficult to obtain documentation.
- Nothing was explained or shown.
- Not all witnesses were interviewed and no reason was given for how the investigation was conducted
- After my assisting officer fought for the information, my RSM turned it over.
- Wanted access to the physical evidence held by another unit. Was told that would cost money for me to visit the other unit(TD budget)
- some information I perceived as relevant, was in fact, irrelevant to the charges against me.
- There were statements written about the incident that were untrue, I did not receive the opportunity to contest the remarks made against me
- some of the paperwork had not even been completed by the comd officer prior to the date, so it was not available to me
- Coxn had refused me the right to question witnesses who were to testify.
- Not able to take notes from MPRR or the MP's notebooks..they differed in context.
- 4.a. Since the only persons in the trial room besides myself (accused) and my assisting officer, were all staff of the Presiding Officer when it came time to obtain statements of what was said during the trial for a request for review, the Presiding Officers staff become witnesses against the accused in order to protect there boss.
- 4.b. I was provided the information relevent to the trial; however, heaps of relevent information was used during the trial with no controls.
- I was given all the evidence that was going to be used against me prior to the summary trial but, I was given the evidence 5 months prior to the trial and when I went to get a second copy was denied. I have never known who was going to be a witness either.
- I think I was just being hung out to dry as I was being charged for being insubordinate to a superior officer and before I was even asked my side of the story, I was told I was being charged. But seeing how the Capt knew my SSM I knew I would be found guilty anyways so what can you do?????
- I never saw any of the statements against me prior to the trail
- I was given no information about witnesses, nor any evidence and my first assisting officer was told to stop asking.
- Non, un MP avait reçus une plainte d'une personne inconue de ma personne alors que je conduisais un véhicule du MDN et venue m'arrêter sans que je n'ais jammais sus de qui venait la plainte.
- Ne sais pas
- some of the evidence was not give to me
- Their was a video tape taken during my interogation that the MPs conveniently misplaced and by the time the charge was officiallly laid, mbrs implicated, that would be good witness' on my behalf, had released.
- I was never given any information pertaining to witnesses, charges or evidence. I was told I was being charged and where I needed to be and when.
- je ne sais pas

- Je n'ai pas été informé de l'identité des témoins car ils n'y en avait pas.
- Parce que l'orsque l'on passe sous accusation un dépliant complet aurais du être donner.
Ce n'est pas le cas.
- Problème de timing des chefs.

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

	2001	2002	2003	2004	2005
Yes	91.7%	86.0%	93.6%	91.4%	91.5% >> Go to Q.6
No	8.3%	14.0%	5.0%	7.5%	6.8%
No Response	0.0%	0.0%	1.4%	1.1%	1.7%
	(n=72)	(n=57)	(n=140)	(n=93)	(n=117)

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

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

- We were all English.
- Pour ne pas compliquer ou donner une surcharge de travail inutile, étant donné que je juge ma connaissance de l'anglais suffisante.
- Je n'ai pas demandé de me faire jugée en français car ma mise en accusation était rédigé en français en partant
- On m'a pas demander le choix de ma langue, car mon unité d' appartenance en 1er lieu est francophone et ils étaient aux courant que ma langue officielle est le français.
- car je suis bilingue.
- Because I wanted to respect the first language of the witness so I could be heard and understood.
- J'étais sur un cour en anglais
- J'ai décider d'être juger en anglais.

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

	2001	2002	2003	2004	2005
Yes	6.9%	3.5%	6.4%	8.6%	12.8%
No	91.7%	93.0%	92.9%	89.2%	84.6% >> Go to Q.7
No Response	1.4%	3.5%	0.7%	2.2%	2.6%
	(n=72)	(n=57)	(n=140)	(n=93)	(n=117)

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

	2001	2002	2003	2004	2005
Yes	40.0%	50.0%	33.3%	62.5%	80.0%
No	60.0%	50.0%	44.4%	25.0%	20.0%
No Response	0.0%	0.0%	22.2%	12.5%	0.0%
	(n=5)	(n=4)	(n=9)	(n=8)	(n=15)

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	2005
Yes	79.2%	73.7%	76.4%	75.3%	73.5%
No	18.1%	22.8%	20.0%	20.4%	23.1%
No Response	2.8%	3.5%	3.6%	4.3%	3.4%
	(n=72)	(n=57)	(n=140)	(n=93)	(n=117)

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	2005
Yes	72.2%	77.2%	77.1%	74.2%	74.4%
No	15.3%	12.3%	13.6%	12.9%	14.5%
N/A (found not guilty)		5.3%			
No Response	12.5%	5.3%	9.3%	12.9%	11.1%
	(n=72)	(n=57)	(n=140)	(n=93)	(n=117)

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

	2001	2002	2003	2004	2005
Strongly Agree	36.1%	45.6%	38.6%	41.9%	44.4%
Agree	43.1%	31.6%	37.9%	33.3%	29.9%
Disagree	8.3%	15.8%	9.3%	11.8%	17.9%
Strongly Disagree	6.9%	5.3%	12.9%	9.7%	5.1%
No Response	5.6%	1.8%	1.4%	3.2%	2.6%
	(n=72)	(n=57)	(n=140)	(n=93)	(n=117)

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

	2001	2002	2003	2004	2005
Yes	47.2%	47.4%	45.0%	46.2%	62.4%
No	52.8%	50.9%	54.3%	50.5%	36.8%
No Response	0.0%	1.8%	0.7%	3.2%	0.9%
	(n=72)	(n=57)	(n=140)	(n=93)	(n=117)

>> Go to Q.12

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

	2001	2002	2003	2004	2005
Assisting Officer	50.0%	40.7%	58.7%	60.5%	58.9%
Presiding Officer	5.9%	7.4%	3.2%	4.7%	9.6%
Commanding Officer	2.9%	7.4%	1.6%	0.0%	1.4%
Other	20.6%	44.4%	27.0%	32.6%	30.1%
No Response	20.6%	0.0%	9.5%	2.3%	0.0%
	(n=34)	(n=27)	(n=63)	(n=43)	(n=73)

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

	2001	2002	2003	2004	2005
Yes	5.6%	7.0%	5.0%	4.3%	7.7%
No	93.1%	89.5%	93.6%	91.4%	88.9%
No Response	1.4%	3.5%	1.4%	4.3%	3.4%
	(n=72)	(n=57)	(n=140)	(n=93)	(n=117)

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of Section

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	2005
Sentence		50.0%	0.0%	25.0%	33.3%
Findings		0.0%	42.9%	50.0%	22.2%
Both		50.0%	42.9%	25.0%	44.4%
No Response		0.0%	14.3%	0.0%	0.0%
		(n=4)	(n=7)	(n=4)	(n=9)

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

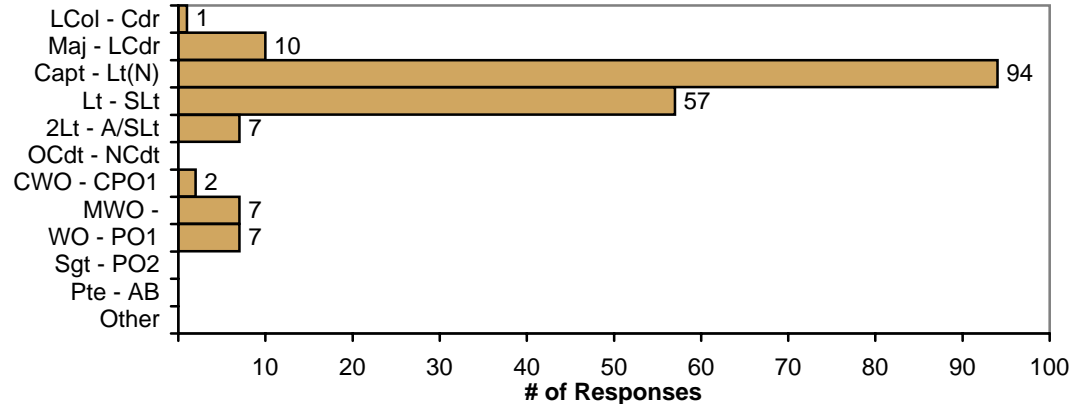
	2001	2002	2003	2004	2005
Yes	4.2%	0.0%	71.4%	25.0%	66.7%
No	23.6%	100.0%	28.6%	75.0%	33.3%
No Response	72.2%	0.0%	0.0%	0.0%	0.0%
	(n=72)	(n=4)	(n=7)	(n=4)	(n=9)

Assisting Officer

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2005	23	162	185	12.4%	87.6%
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%

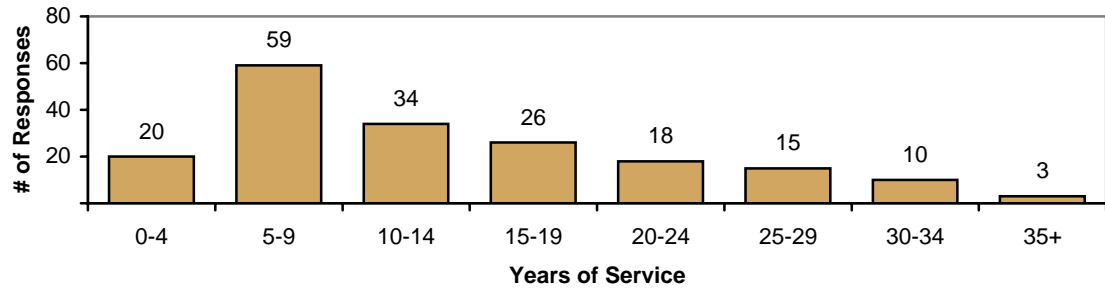
Section 1: Profile

1. What is your present rank?



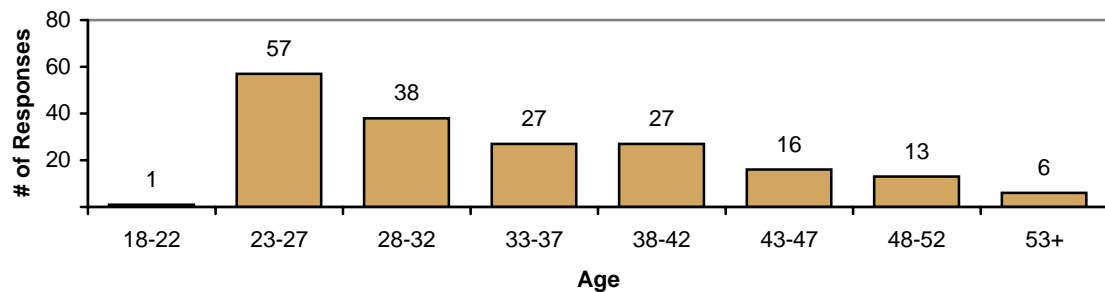
		2001	2002	2003	2004	2005
Sr Officers	LCol - Cdr	0.0%	1.1%	0.4%	0.0%	0.5%
	Maj - LCdr	6.8%	13.1%	8.0%	7.1%	5.4%
Jr Officers	Capt - Lt(N)	55.3%	63.9%	60.4%	62.5%	50.8%
	Lt - SLt	28.4%	12.6%	20.4%	21.2%	30.8%
	2Lt - A/SLt		2.7%	5.3%	2.2%	3.8%
Subr Officers	OCdt - NCdt	0.0%	0.0%	0.0%	0.0%	0.0%
NCM	CWO - CPO1	2.1%	0.5%	0.0%	0.0%	1.1%
	MWO - CPO2	2.6%	2.7%	0.9%	3.8%	3.8%
	WO - PO1	4.2%	3.3%	3.6%	2.7%	3.8%
	Sgt - PO2				0.5%	0.0%
Appointments	Pte - AB	0.5%	0.0%	0.4%	0.0%	0.0%
	Other	0.0%	2.0%	0.4%	0.0%	0.0%
		(n=190)	(n=183)	(n=225)	(n=184)	(n=185)

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



	2001	2002	2003	2004	2005
0-4	3.2%	2.7%	7.6%	9.2%	10.8%
5-9	18.5%	18.0%	25.3%	25.5%	31.9%
10-14	31.7%	25.1%	24.0%	25.0%	18.4%
15-19	19.6%	24.0%	19.6%	18.5%	14.1%
20-24	11.6%	13.7%	11.6%	9.2%	9.7%
25-29	9.5%	8.7%	7.6%	9.2%	8.1%
30-34	4.2%	7.1%	4.0%	2.2%	5.4%
35+	1.6%	0.5%	0.4%	1.1%	1.6%
	(n=189)	(n=183)	(n=225)	(n=184)	(n=185)

3. How old are you?



	2001	2002	2003	2004	2005
18-22	2.1%	0.0%	0.9%	0.0%	0.5%
23-27	17.4%	16.4%	19.6%	28.3%	30.8%
28-32	24.2%	19.7%	25.3%	25.5%	20.5%
33-37	19.5%	20.2%	20.0%	12.5%	14.6%
38-42	17.4%	19.1%	16.4%	17.9%	14.6%
43-47	11.1%	15.8%	12.4%	9.8%	8.6%
48-52	7.9%	6.0%	3.1%	4.9%	7.0%
53+	0.5%	2.7%	2.2%	1.1%	3.2%
	(n=190)	(n=183)	(n=225)	(n=184)	(n=185)

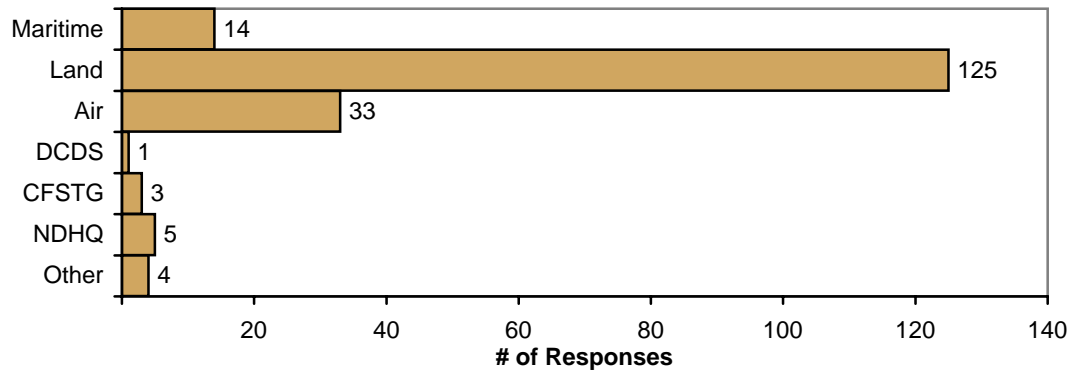
4. Are you:

	2001	2002	2003	2004	2005
Male	88.4%	93.4%	89.3%	90.2%	91.3%
Female	11.6%	6.6%	10.7%	9.8%	8.7%
	(n=190)	(n=183)	(n=225)	(n=183)	(n=184)

5. What is your first official language?

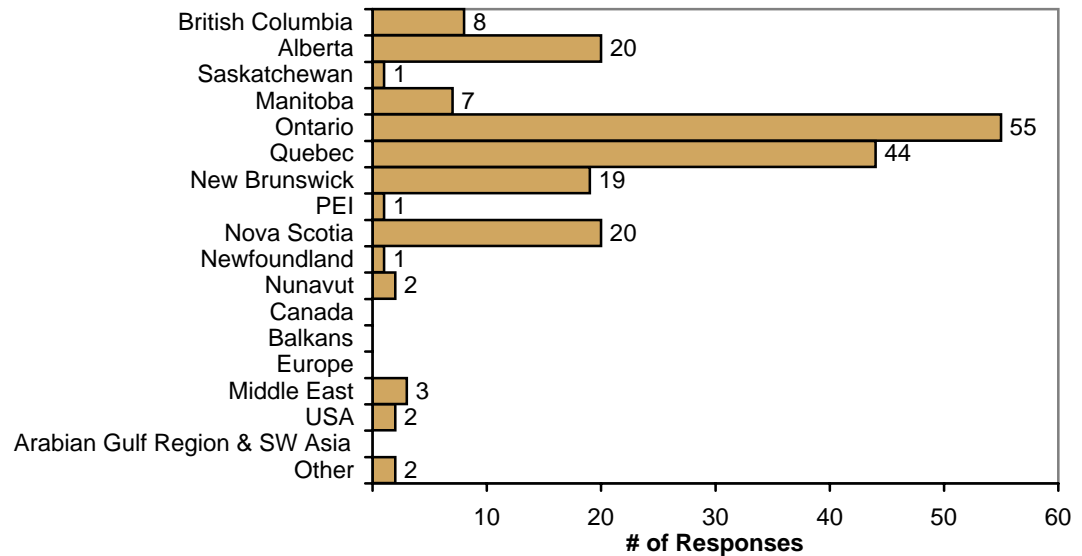
	2001	2002	2003	2004	2005
English	68.9%	74.9%	71.1%	72.3%	68.5%
French	31.1%	25.1%	28.9%	27.7%	31.5%
	(n=190)	(n=183)	(n=225)	(n=184)	(n=184)

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



	2001	2002	2003	2004	2005
Maritime	17.4%	10.9%	11.6%	14.8%	7.6%
Land	49.5%	59.0%	60.4%	53.0%	67.6%
Air	13.7%	14.2%	17.3%	12.6%	17.8%
DCDS (Deployed Operations)	1.6%	0.0%	0.9%	4.9%	0.5%
CFSTG (Training)	13.2%	0.0%	6.7%	9.8%	1.6%
NDHQ	1.6%	1.1%	0.9%	2.2%	2.7%
Other	3.2%	1.1%	2.2%	2.7%	2.2%
	(n=190)	(n=183)	(n=225)	(n=183)	(n=185)

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



	2001	2002	2003	2004	2005
British Columbia	15.8%	7.7%	10.7%	9.8%	4.3%
Alberta	7.9%	12.0%	9.8%	10.9%	10.8%
Saskatchewan	1.1%	0.0%	0.0%	1.1%	0.5%
Manitoba	2.1%	3.3%	3.6%	3.3%	3.8%
Ontario	34.2%	41.0%	40.9%	32.2%	29.7%
Quebec	21.1%	16.9%	20.9%	17.5%	23.8%
New Brunswick	6.8%	7.1%	5.3%	9.3%	10.3%
PEI	0.5%	0.0%	0.0%	0.0%	0.5%
Nova Scotia	6.3%	5.5%	5.8%	9.3%	10.8%
Newfoundland	1.1%	1.6%	0.0%	0.5%	0.5%
Nunavut	0.5%	0.0%	0.0%	0.0%	1.1%
Canada			0.4%	0.0%	0.0%
Balkans	1.6%	3.3%	0.9%	2.7%	0.0%
Europe	1.6%	0.0%	1.3%	0.0%	0.0%
Middle East	0.0%	1.1%	0.0%	2.2%	1.6%
USA	0.0%	0.5%	0.0%	0.5%	1.1%
Arabian Gulf Region & SW Asia				0.5%	0.0%
Other			0.4%	0.0%	1.1%

(n=190) (n=183) (n=225) (n=183) (n=185)

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	2005
Yes	96.4%	97.8%	98.4%
No	3.6%	2.2%	1.6%
No Response	0.0%	0.0%	0.0%
	(n=225)	(n=184)	(n=185)

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	2005
Yes	83.6%	85.3%	85.9%
No	16.4%	14.7%	14.1%
No Response	0.0%	0.0%	0.0%
	(n=225)	(n=184)	(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 charge that was laid on the member showed that there was nothing to imply that the member did or did not commit the offence.
- The accused admitted to the particulars
- The individual was considered guilty prior to going to trial. No one checked his weapon to see if it malfunctioned and stated he missed the tgt because he smelled like alcohol.
- Member received the entire file and all evidence was self-evident.
- Very seldom do investigators look for innocence. They usually tend to look for evidence of guilt.
- The information available was presented to the accused but the information did not indicate that the accused had not committed the offence.
- Accused agreed with all parts of the charge
- The accused received all the information but the information was all the evidence that supported the charged. i.e. witness statements, the investigation, MP reports etc. The information showed that an offence was probably committed and the accused was probably the one who committed the offence
- The evidence was very clear, and the accused admitted to the offence.

- Accused had to research and photocopy files and logs for his defence
- There was no doubt that the accused was guilty. What was in question was some of the facts being presented were not completely accurate and used this to reduce any punishment
- There was concrete evidence that the accused was not at the intended place of duty (ie Security Logs).
- He received all the info but it did NOT show that he did not commit the offence.
- The accused admitted to the particulars of the charge before the trial; this was an incident that first involved civilian police and was handed over to the military for summary trial.
- It was an AWOL charge. All the information was justifying that he was AWOL during that period of time.
- The accused admitted the particulars.
- The Accused received all the information but was admitting to the Particulars
- We used the lack of police questioning that could have shown "innocence", as a factor in getting a favourable decision. MP did not question various witnesses or get receipts that could have disproved the hypothesis of guilt.
- He did commit the offense. He said he was guilty.
- It showed he did commit the charged offence
- As an Assisting Office I had no real ability to help. The assumption of guilt throughout the process makes it essentially pointless. Any evidence that would show innocence is ignored by those seeking the charge and if given is either hidden or severely slanted. This entire process is archaic and there are no checks currently in place to avoid abuse of power in railroading and bullying accused. It is abundantly clear that anyone that challenges a ruling, or even presents a defense will be dealt with more harshly.
- The investigation was deficient in that it did not gather all of the required evidence, nor was disclosure of witness statements provided to the accused.
- With all the information provided, the member recognized their fault.
- Only charge and evidence
- He did commit the offence!

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

	2001	2002	2003	2004	2005
Yes	70.7%	72.8%	58.7%	51.1%	61.6%
No	27.7%	26.6%	40.4%	48.9%	38.4% >> Go to Q.3
No Response	1.6%	0.5%	0.9%	0.0%	0.0%
	(n=191)	(n=184)	(n=225)	(n=184)	(n=185)

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	2005
Yes	97.8%	93.3%	98.5%	96.8%	99.1% >> Go to Q.2.c
No	1.5%	2.2%	0.8%	1.1%	0.0%
No Response	0.7%	4.5%	0.8%	2.1%	0.9%
	(n=135)	(n=134)	(n=132)	(n=94)	(n=114)

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.]

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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?**

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
Yes	71.7%	91.8%	93.9%	91.5%	93.9% >> Go to Q.2.e
No	2.1%	5.2%	4.5%	7.4%	3.5%
No Response	26.2%	3.0%	1.5%	1.1%	2.6%
	(n=191)	(n=134)	(n=132)	(n=94)	(n=114)

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.]

- The accused was advised that summary trial would be quicker and with less jeopardy in terms of penalty upon conviction
- 24 hrs is not enough time to seek the advice of a civi lawyer, particularly if they are charged at the end of a work day and are expected to rpt to work for normal duty the following day. In this case the accused admitted to the charges and did not want a lawyer therefore I did nothing to assist him in finding one.
- We were at sea. The accused is generally convinced that it is in his best interest to take a summary trial, and admit guilt, regardless of whether or not they feel the case is fair. Court marshal = jail. They are CONSTANTLY reminded that.
- It was a Friday at 1400 when the accused was given until Monday 0900 to decide. We had to call the 1800 number for legal counsel, quite late in our day on Friday.

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>	<u>2005</u>
Yes	24.6%	39.6%	32.6%	34.0%	34.2%
No	49.7%	53.7%	56.8%	51.1%	52.6% >> Go to Q.3
Don't Know		4.5%	9.1%	12.8%	12.3% >> Go to Q.3
No Response	25.7%	2.2%	1.5%	2.1%	0.9%
	(n=191)	(n=134)	(n=132)	(n=94)	(n=114)

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>	<u>2005</u>
Military	85.1%	84.9%	86.0%	96.9%	94.9%
Civilian	8.5%	13.2%	7.0%	0.0%	5.1%
Don't Know		0.0%	7.0%	0.0%	0.0%
No Response	6.4%	1.9%	0.0%	3.1%	0.0%
	(n=47)	(n=53)	(n=43)	(n=32)	(n=39)

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>	<u>2005</u>
Yes	77.5%	84.2%	86.7%	84.2%	93.0% >> Go to Q.4
No	22.5%	15.2%	12.0%	15.8%	6.5%
No Response	0.0%	0.5%	1.3%	0.0%	0.5%
	(n=191)	(n=184)	(n=225)	(n=184)	(n=185)

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 accepted the outcome and I forgot to specify
- Did not remember to state this.
- J'ai fait comprendre à l'accusé qu'avec tous les éléments de preuve, il devait accepter pleinement la décision rendue. L'entente a été mutuelle.
- Cut and dry case.
- mbr was satisfied with the outcome
- Didn't know about review
- Didn't know it was an option - not referred to in Assisting Officer' Terms of Reference.
- The accused decided to admit to the particulars.
- I didn't know that they could. I have received no training as a legal professional. I only knew what the Cox'n told me or was clear from the JAG pamphlet he gave me. Of course there is the "it's on the DIN line", but not when we're at sea (on the MCDV's).
- The accused stated that they did not wish to further the process, so a review was not mentioned
- Nature of the charge
- The accused fully admitted to the charges and was ready to accept any punishment. In hindsight I should have informed the accused before summary trial, but after the punishment was given the offender fully accepted the charge. At no time the military member wanted a review

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

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
Yes	1.0%	1.6%	0.4%	2.7%	2.2%
No	97.9%	98.4%	97.3%	97.3%	97.8% >> Go to Q.5
No Response	1.0%	0.0%	2.2%	0.0%	0.0%
	(n=191)	(n=184)	(n=225)	(n=184)	(n=185)

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

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
Yes	50.0%	66.7%	0.0%	0.0%	75.0%
No	50.0%	33.3%	100.0%	60.0%	25.0%
No Response	0.0%	0.0%	0.0%	40.0%	0.0%
	(n=2)	(n=3)	(n=1)	(n=5)	(n=4)

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	2005
Yes	92.7%	94.0%	94.2%	91.8%	88.6%
No	2.6%	5.4%	4.9%	7.1%	8.6%
No Response	4.7%	0.5%	0.9%	1.1%	2.7%
	(n=191)	(n=184)	(n=225)	(n=184)	(n=185)

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

	2001	2002	2003	2004	2005
Yes	87.4%	91.8%	87.6%	90.8%	89.7%
No	7.3%	7.1%	11.6%	8.2%	9.7% >> Go to Q.7
No Response	5.2%	1.1%	0.9%	1.1%	0.5%
	(n=191)	(n=184)	(n=225)	(n=184)	(n=185)

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	2005
Yes		87.0%	81.7%	79.0%	81.9% >> Go to Q.7
No		4.7%	5.6%	6.6%	4.2%
N/A (no argument or evidence presented)		4.1%	7.1%	11.4%	10.2% >> Go to Q.7
No Response		4.1%	5.6%	3.0%	3.6%
		(n=169)	(n=197)	(n=167)	(n=166)

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

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

- The accused believed that the punishment was fair.
- The accused pleaded guilty to the offence.
- All facts were discussed before trial. There were no mitigating factors.
- The accused wanted to explain mitigating circumstances himself.
- This was around his 12th trial, all mitigating factors had been explained and denied in his previous trial for similar offences.
- plead guilty to one charge was found not guilty on the other
- La personne n'avait pas de facteurs mitigent. La personne a pris la responsabilité entière (cela était en fait son seul facteurs mitigent).

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

	2001	2002	2003	2004	2005
Yes	48.7%	40.8%	30.2%	28.3%	34.1%
No	40.3%	44.6%	59.1%	60.9%	55.1%
Don't know	10.5%	14.7%	10.2%	10.9%	10.8%
No Response	0.5%	0.0%	0.4%	0.0%	0.0%
	(n=191)	(n=184)	(n=225)	(n=184)	(n=185)

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	2005
Presiding Officer Certification Training		35.3%	28.9%	21.2%	32.4%
Unit Discipline Training		25.0%	0.0%	12.0%	17.3%
Guide for Accused & Assisting Officer		78.8%	86.0%	91.8%	95.1%
Other (e.g. aide-memoire)			48.7%	50.5%	47.0%
None of the Above		10.3%	3.1%	0.0%	0.0%
No Response		0.0%	1.8%	0.5%	0.0%
	(n=184)	(n=228)	(n=184)	(n=185)	

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

	2001	2002	2003	2004	2005
Yes	92.1%	89.7%	90.4%	85.9%	85.9% >> Go to Q.10
No	0.5%	2.7%	3.5%	7.1%	6.5%
Don't know	6.3%	5.4%	4.4%	7.1%	5.4% >> Go to Q.10
No Response	1.0%	2.2%	1.8%	0.0%	2.2%
	(n=191)	(n=184)	(n=228)	(n=184)	(n=185)

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

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

- The individual was already guilty before we went in. They argued the cause and effect argument against us. Did not consider that the sight was broken.
- Because I was given one day to prepare because the original officer was not able to attend. I asked for an extension and it was not granted.
- I was there because of protocol. The charge was approved by the AJAG, I was there to ensure the accused was informed of his rights. The assisting Officer has not authority in the summary trial and is not to defend the accused.
- The accused was intimidated by the RSM and subsequently refused to speak further to the JAG, or have the case reviewed. The JAG's recommendation was for the accused to elect trial by court martial due to the complete lack of procedure followed by the military and civilian police.
- I think the presiding officer already knew too much about the case in my mind. This due to the fact it was fairly simple.
- Case was extremely cut and dry, and accused has more experience at summary trials then myself.
- Yes and no. I did a good job helping him prepare. If this had not been as good, he might have selected Court Martial, in which case he might had had a more fair trail.
- Il semblait que la décision était prise d'avance et que peut importe les arguments amenés ou les preuves amenées, n'aient pu faire changer d'idée le président du procès par voie sommaire.
- The Accused did not tell me all details regarding his personal life. When he was sentenced to 5 days CB - he told me he had to find a baby-sitter because he did not have one. I think that with more experience I could have prevented this mishap.
- As this was my first time acting as an assisting officer, I felt that my assistance was limited as I lacked the experience.

- The mbr is a good soldier, but has a hard time understanding legal proceedings and career consequences. He is intimidated by signing related paper work and submitting to tests without trusting his equipment, like a good soldier would. He was pulled over for suspected DUI within 2 min of a commissionaire allowing him through the gate, calling MPs, and racing to his vehicle. He was charged with refusal to provide a breath sample (civilian court) within a 2 min time frame in which he was introduced to the intoxalyzer technician and briefed on the equipment. MPs noted that he understood the demand and agreed to provide a sample but had one question about the device. In one report they claim they answered his question. In another and in the testimony, they claim he did not need to know and that was the response they gave him. His DND charge was Drunkenness. The MPs reports were very contradicting (notes, multiple reports, and verbal testimony). Each time the incident was recounted, more information and exaggeration of the facts occurred. The accused had the report they produced for the civilian trial showing their lack of credibility. It was not evidence of innocence, but representation. The QR&O only requires that the officers substantiate their claim. They used his physical appearance and slurred speech as signs and their 15-20 years experience as the source of their expertise- no other training. The accused has glossy eyes all the time and a speech impediment that could have been misunderstood as slurred speech by the francophone arresting officer. When asked about the speech impediment, the arresting officer naturally replied it was worse the night in question but was visibly surprised. The officers stated the accused was the worst drunk they dealt with in their long careers, but did not have an explanation as to why the accused was never put in the drunk tank or charged with drunkenness on the spot. They said he took an hour longer than normal to process because of his drunkenness, but could not explain why they left him alone (not in a cell) during that hour and waited to obtain the commissionaire's statement only minutes prior to releasing him.

They had no other explanation for their activities during that hour. The commissionaire's statement tells that he reported a suspected drunk driver 45min after the accused was already in custody. The MPs were trusted to speak to his state of mind but in the reports, could not agree on what the accused was dressed in and could not accurately reproduce times of incidents from their notes to their reports, exaggerating the accused's state each time. The civilian report stated the accused was released 45min earlier than the report produced for the summary trial said. The latter included more accounts of the accused's alleged belligerent behaviour. The MPs had no explanation as to why the accused's drunk passenger was told to go to his room in the barracks from 20 feet away without determining if the odour of alcohol came from him or if he needed assistance going to bed. That is why the accused was almost out of his vehicle when the MPs stopped him from opening his door in front of the barracks. Finally, I did not have a chance to confirm the validity of a story I heard about the MP Sgt involved. Another MP Sgt who knew him from another base said he was under investigation for credibility. I did not bring this up at the summary trial obviously. Despite that the MPs differed in their written reports and that one of them had contradictions between three written documents he produced on the same event, their verbal testimony was 100% identical and taken as truth. Also, no MO referral was ordered for the accused because it was a weekend and the mbr did not know enough on his own to get one, so according to the notes of the QR&O Drunkenness, (a referral should -not must) this evidence was not necessary but could have proven the accused innocent.

- I am not trained for this. The role of the assisting officer in the system as I understand it is not to help the accused in the sense that there is no lawyer client privilege and it is not my role to defend him. What are we supposed to do, other than say "don't take a court marshal, because you could go to jail", and "don't argue, it will make it worse" (because it is true).

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.]

- Our EME phase four course included a section pertaining to military justice and duties of an assisting officer. It's a good tool to help to understand the summary trial process, however all information covered in that section can be found in the guide to assisting officers.
- Nous couvrons déjà ce type de formation durant nos phases d'entraînement, de plus, le livre bleu d'aide aux officiers désignés est vraiment explicite.
- A short 2 day course given locally by the JAG (similar to the Presiding Officer training). Perhaps it should be set up with the same type of study package.
- Law OPME
- As long as an Assisting Officer has the Aide Memoire, this is not an onerous task in most cases. I believe that there should be a prerequisite that an Assisting Officer must have previous experience in a case where there is no election before being assigned to one where there is, or could be, an election.
- We do OJT with the junior officers. When I am assigned the role of assisting officer, I ask the accused if I am allowed to have another junior officer present and explain to them why this officer will be participating. If the accused says no, I don't go through with this.
- DJAG at various bases should brief junior officers about the summary trial process.
- Le Guide à l'intention des accusés (es) et des officiers désignés pour les aider est suffisant.
- Availability of Military Justice Policy and Video
- Assisting officer seminar presented by the Adjutant or AJAG
- Briefing from someone that has done it before, best thing! This is what helped me.
- I think OPME Military law should have to be completed before being selected as an assisting officer
- Formal Assisting Officer Trg.
- Be a spectator at a summary trial would help any individual by showing them how it is undertaken. Also, the military law OPME course is a good intro on the military judicial system including assisting officer duties and responsibilities.
- Formation et attestation des officiers présidants
- More case studies
- Short lecture, 40-80 minutes.
- The Presiding Officer's course is probably the key. I have also seen a reluctance to hold summary trials in the open - watching summary trials is a very powerful way to learn how to do it.
- Presiding Officer Training

- In my case, the first time I saw A-LG-050-000/AF-001 The Election to be Tried by Summary Trial or Court Martial (Guide for Accused and Assisting Officers) and Chapter 9 to the B-GG-005-027/AF-011 Military Justice at the Summary Trial Level (Version 2.0) w
- Have part of Officer Training (Cap R etc) deal with the specifics of the issue, and prep the soon to be Lt's
- Sur le cours de CEOM, il y a déjà une formation à ce sujet. Celle-ci devrait être approfondit.
- Presiding Officer's course or something like it.
- Unit based training for Assisting Officers. The guide was of tremendous help in preparing for the course
- A aide-memoire to the exact process to be followed step-by-step in the trial process that can be used to explain the process to the accused.
- Have it added to the curriculum for moc training, even just one or two hours to indoctrinate junior officers
- A short assisting officer's seminar could be useful
- Not just as an assisting officer, but all levels require training or clarification of the differences of administrative and disciplinary action. Many people proceed with both in tandem, believing that you cannot put someone on recorded warning unless they have been charged and found guilty of an offence.
- I personally find that an assisting officer must have a thorough knowledge of any aspects relating to summary trial etc. He must understand his job, and also understands what the accuse his entitled too etc. I find that the guide for accused, and assisting officer is quite useful. The assisting Officer must fully understand QR& O Tables 108.24 & 108.25. He must have a thorough knowledge of the ergonomics of a Summary Trial from start to finish. He must also be knowledgeable of all administrative aspects following the trial, IE: Split Payment etc, Limitation of Time it must be paid. Overall, the CF Documentation in regards to Military Justice is easy to read and understand. Any assisting officer must get in the books and be ready to do a bit of research on behalf of the accused
- presiding officer
- None at this time.
- Presiding Officer Certification Training, OPME on Military Law.
- Presiding Officer Training
- I found A-LG-050-000/AF-001 Guide for Accused and Assisting Officers sufficient for my needs.
- System is adequate as is.
- Une formation sur les phases d'entraînement sur le travail spécifique avec un aide mémoire des check point d'un officier désigné.
- A series of role-playing exercises (first meeting, follow-up, actual summary trial)
- Week-long course at NDHQ or Kingston reviewing military justice
- A specific Assisting Officer's Course or Training session would be helpful. It would give a better understanding of the left and right of arcs involved in being an Assisting Officer.
- - Law School
- Military Law (OPME)
- The POTC.
- A course

- I do not feel that Assisting Officers need formal training. The present resources available are sufficient to provide assistance to an Accused at a Summary Trial. In most cases, units have a large number of other officers qualified Presiding Officer and who can also bolster the degree of knowledge available to an Assisting Officer who may not be qualified.
- OPME - Military Law A course for Assisting Officer
- Continuation of instruction at Basic Training, unit JAG visits/briefings
- Detailed checklist would be nice - just go down the list so you ensure everything is covered.
- Nothing in particular. I read the presiding officer's handbook prior to the trial and spoke to other officers for anecdotal advice.
- More information about how the trial will progress from start to finish would be useful.
- A one/two day syndicate with mock trial at the end to confirm learning. To be conducted by an experienced and qualified presiding officer and unit Coxn or RSM
- Presiding Officer Certification Training because it is very hard to understand QR&Os. JAG office was very helpful, but they often quote QR&Os, but they answered most of my questions and the Accused as well.
- For trg, CFSEME did a "mock" summary trial. This outlined all of the steps involved, and was an excellent trg tool.
- The 1st module of the new Mil Law OPME.
- Investigation Training
- All of the above
- Course in assisting officer like the Presiding Officers course which includes a sample summary trial so assisting officers have a very good idea of the process to help advise the accused prior to trial. Also instruction on how to prepare useful and relevant questions for the accused and witnesses for and against.
- POCT
- Assisting Officer Handbook
A short course/seminar for personnel who have not had experience in this role
- Other than the Presiding officer course I am not aware of any other trg provided a Reserve Officer put in this situation, DP trg should address this in more detail at the LT/Capt trg level as troops look to these individuals as leaders.
- Video describing steps from laying of charge through to sentencing
- I believe as Assisting Officer the Guide for Accused & Assisting Officer is sufficient.
- A seminar on the Summary Trial process conducted by a JAG representative, to include a detailed description of the Guide to Assisting Officers and Accused during the Summary Trial
- Presiding Officer Certification Training
- Presiding Officer Certification Training
- Assisting Officer Specific portion to the Military Law OPME, as well as a unit-directed study under the Adjt or DCO for all unit Officers.
- Le livret est excellent. La formation d'officier président est sans aucun doute un atout
- Formalized course on the role of the assisting officer
- As the role of the AO is strictly to ensure that the accused is fully cognizant of the process before, during and after trial, POCT would be a benefit.
- Presiding Officer Course
- POCT, OPME (Military Law)
- I have never heard of "Unit Discipline Training", but that sounds as though it would be helpful.

- None at this time. I had recently completed presiding offr trg and felt competent in acting as an asst offr.
- The JAG website specifically states that the assisting officer must be aggressive and proactive in helping the accused with the case. In this case the RSMs intimidations was a response to my speaking to the JAG on the instructions of the accused, something which both the JAG and Military Justice at the Summary Trial level allows. However the base "culture" was that an assisting officers input was limited to informing the accused of the difference between summary trial and court martial and providing the 800 number for the
- good reading on: http://jag.mil.ca/main_e.asp. Also extra good is the court martial penalty of similar case: http://cmj.mil.ca/CMresults_e.asp
- Le guide disponible me semble complet. Il décrit très bien ce qui est attendu d'un officier désigné.
- Once I complete the presiding officer crse, I feel that I would feel a lot more comfortable assisting the accused
- The information in place is sufficient.
- POTC should be mandatory.
- During officer Trg do mock summary trials. e.g. during the course everyone will be an assisting officer at one point for one of the other students who are given a made up
- PD training where they would take you through all the steps of a summary trial and perform some role playing
- I received training on my NOPME Military Law course. I found this to be very helpful and sufficient.
- Complete OPME Mil Law.
- A course on how to be an assisting officer
- Assisting Officer duties should not be given to junior officer, i.e. Lts or very new Capts. The case I was involved in required someone with good knowledge and an ability to not be snowed by the presiding officer and the witnesses.
Since I am now
- OPME Military Law
- Presiding Officer's Training
- Presiding Officer Course
- JAG Certification Trg Pkg
Asst Ofr Slideshow Pkg
Guide Handbook for Assting Offrs
QR&O 108 - Summary Trials
QR&O 103 - Service Offences
POCT Crse Manual Vol2
- POCT or local course outlining the entire summary trial process (not limited to Assisting Officer duties)
- Read Guide for Accused & Assisting Officer and possibly in-house training at your unit such as role-playing and reviewing the results of actual Summary Trials in a discussion
- Presiding Officer Training

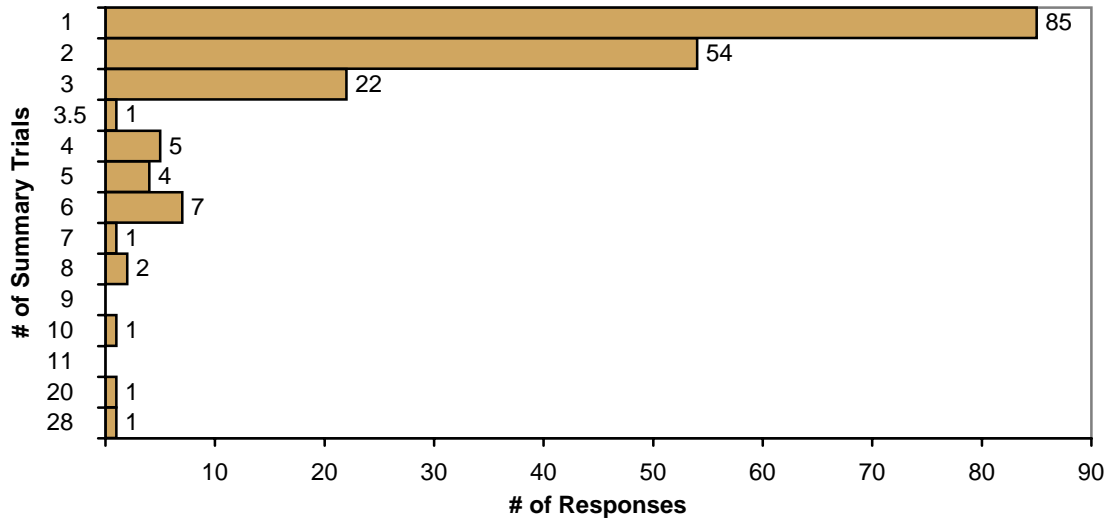
- Le cours PEMPO sur les lois militaires donne une base de connaissance afin de comprendre le système de justice militaire. Ensuite, les références (Guide à l'intention des accusés (es) et des officiers désignés pour les aider) accompagné des O AFC sur les procès sommaire donnent, à mon avis, suffisamment d'information pour effectuer la tâche. Toutefois, s'il était question de mettre en place une formation formelle, une formation relativement courte (1 jour ou 2) qui utilise des exemples ou étude de cas pourrait être utile afin de s'assurer que
- A mandatory Assisting Officer specific course at the Lt level.
- OJT, a sit down with a Presiding Officer to explain the duties of an Assisting Officer is all that's required, along with the guide
- Training??? Being an Assisting Officer is something that you study up on once you have been appointed the duty.
- The trg for Presiding Officer is the best training to to be prepared
- I found the unit discipline trg very effective; however, much self study was required in order to be confident as an assisting officer. I believe that the Presiding Officer trg manual provided an excellent reference.
- The presiding officer course was very valuable.
- Presiding officer training
- Presiding Officer Certification Training
- A Guide for the "About to be Accused", for those pers caught up in the investigation process, before a charge is laid. (i.e. "something has happened..now what do I do...?"). Accused pers (before the charge is laid) are very nervous and stressed out. Usually on deployed missions, its stupid infractions committed by otherwise good people. These pers are the most affected by the stress of being under investigation and the peer
- formation sur le rôle de chaque intervenant lors d'un procès par voie sommaire.
- Every unit should include all documentation pertaining to summary trials in their unit SOPs. Also, a brief review of the proceedings should be provided by the unit CWO or
- Since training is often forgotten, a training aid is more what is needed. An effective Aide-memoire with key points to remember that follows the timeline of a summy investigation or a court martial could be used at reference any time you had to perform this task again.
- Formal Course Training
- Formation et attestation des officiers présidents
- POTC
- There should be more trg on the mil justice sys for Jr officers. I relied ONLY on the guide mentioned above to prepare me.
- A formal Assisting Officers Crse.
- All WO and above should get the same training as the Officer. As a WO the job position is often the same as an officer specially in a small units
- Aucune, dans la mesure où, peut importe les arguments que l'on amène, si la décision a déjà été prise, rien ne viendrait faire changer d'idée le président du procès par voie sommaire.
- Presiding Officer Training
- Jusqu'à présent, je l'ai fait 4 fois et j'ai toujours utilisé le guide des officiers délégués et consulté mon livre de président par voie sommaire
- Je crois que le guide à l'intention des officiers désignés est très bien fait et est adéquat
- Nil. All info for assisting officers are found in the aforementioned docs.

- A 1 day course to educate officers to be an Assisting Officer.
 - LE COURS D'OFFICIER PRÉSIDENT UN PROCÈS SOMMAIRE
 - Presiding Officer certification training
 - La fonction d'officier désigné est assez simple. Mon supérieur m'a donné une copie du guide et m'a donné les grandes lignes de ce qui allait se passer, et ce fut suffisant à mon avis.
 - Formation et attestation des officiers présidents est un excellent cours auquel tous les officier devraient assister et possiblement faire partie d'une programme de PEMPO.
 - aucune
 - Received the POTC since then, which was quite informative.
 - I would recommend a weekend training to familiarize and/or review members of military legal procedures.
 - Having completed the OPME military law before being allowed to conduct assisting officer duties.
 - Presiding Officer Trg is a good course, giving a clear understanding on how Military Justice is conducted.
 - Perhaps a 1/2 day course on duties.
 - I did not know how much I was allowed to demonstrate the MPs' lack of credibility without overstepping into the realm of legal representation. I brought up as much as I could, but the presiding officer did not accept that the accused's representation (showing the MP's lack of credibility- half of the QR&O Drunkenness decription on what finds the accused guilty) should be allowed to prove innocence. According to the other half of the QR&O description and the opinion of the presiding officer, proof of innocence was required and not present. I beleive the presiding officer made the right decision and understands the process much more than I do. The accused's mitigating circumstances resulted in a low penalty. I think it unfortunate that the mbr was charged with drunkenness, because he had no chance to show innocence. But if he was tried for his conduct, the penalties and career consequences would have been much worse and that much more unecessary.
- From a higher moral perspective, the drunkenness charge was best considering public deterrence and precedent were at risk, but the MPs should be placed under strict review for their practices and credibility. A ST is not the place to start a scandal, but how else is this kind of thing supposed to be reported? In hind sight I know acted without bias to the end, but after hearing the trial, I learned that I will have a hard time trusting an MP. A review of their work may just make the few who are corrupt better at being corrupt. Nonetheless, some more detailed training on my boundaries to defend the accused when he is not getting his point across articulately and on how to address suspect MP activities is in order.
- Creating an actual package for young officers to complete (DL) giving important information on the whats and hows of being an Assisting officer.
 - I think that this entire process is flawed. There is no trial, it is simply a decision. There is nothing the accused can say that will change the charge, and it is generally understood that if you are accused, you will be found guilty. The severity of the charge depends not on precedence, fairness, or logic, but whether or not they like you or you seem appropriately contrite.
- We are warned not to contact JAG, or go "outside the chain of command or divisional system".
- I think that the process could be streamlined if the assisting officer and accused were removed from the proceedings. Why bother pretend.

- All equivalent training of a Commanding Officer.
- A specific AO crse such as the Presiding Officers crse. It is not handled well in the junior officer ranks.
- CF should offer classes/instruction, even a couple of hours worth, on the duties of an Assisting Officer
- Un cours sur les fonctions de l'officiers désigné.
- PEMPO DEF 002 Introduction au droit militaire
- more aide memoires/resourses available to potential assisting officers
- instruction on: resourses available, what is expected, accused's rights during trial & format (seems to be the COs choice how everything plays out)
- The guides and aide memoires are useful. I believe that experience is the best teacher.
- a better handbook.
- avocat militaire ou civil
- Some legal training.
- Assisting Officers would benefit from an understanding of the proper role and functioning of the presiding officer.
- The Guide is pretty complete, but prior to being an Assisting Officer it could be useful to second an experienced Assisting Officer.
- Cours en justice militaire
- The guide was very helpful, however the military lawyers for the defence were extremely helpful with their guidance and were available at all times to answer the most simple questions. They never appeared to be in a hurry and were very patient.
- Une formation plus en pofondeur. La base se doit d'avoir une formation d'un jour sur les procès sommaire pour les nouveau et jeune officier.
- Presiding Officer's course
- Unit lessons or course lessons
- All Assisting Officers should take the POCT or and assisting offence should be developed. Without POCT it is unclear to a junior officer what must be proven, etc.
- PEMPO sur Droit Militaire, Cours d'officier Président
- La formation et attestation des officers Présidants est déjà une très bonnes préparation.
- Je crois que les formations en place sont efficaces. S'il y a des officiers qui ne connaissent pas le système PVPD, c'est parce qu'ils choisissent de ne pas le savoir.
- Qu'une portion de la Phase IV (BEOC PM IV) peut-être trois ou quatre jours, serve a cela.
- Une formation de une demi-journée pour réviser les réf pertinentes à cette tâche.
- Aucune, le guide et le PEF002 Presi Militaire est assez complet.
- - Unit training
 - OPME DCE002 Intro. to Military Law
- DEF 002 introduction au droit militaire
- Knowledge of procedures and practice
- A video of a typical procedure
- All BOQ courses should provide some trg as assisting officer duties either at unit or CBT (computer based trg) with cases studies and Q&A. Similar to WHMTS CBT.
- Presiding officer course
- No suggestion at this point in time.
- Presiding Officer course & self studies.
- Read "Guide for accused and assisting Officer" and "Military Justice". No training required.

- Aucune
- Courte séance d'information faisant l'explication du guide, et afin de répondre aux questions que les gens pourraient avoir.
- Le guide de formation et attestation des officiers présidents semble être assez complet pour être en mesure d'assister efficacement l'accusé en tant qu'officier délégué.
- Fine as is.
- POCT

11. Since January 1, 2004 how many times have you acted as an Assisting Officer?



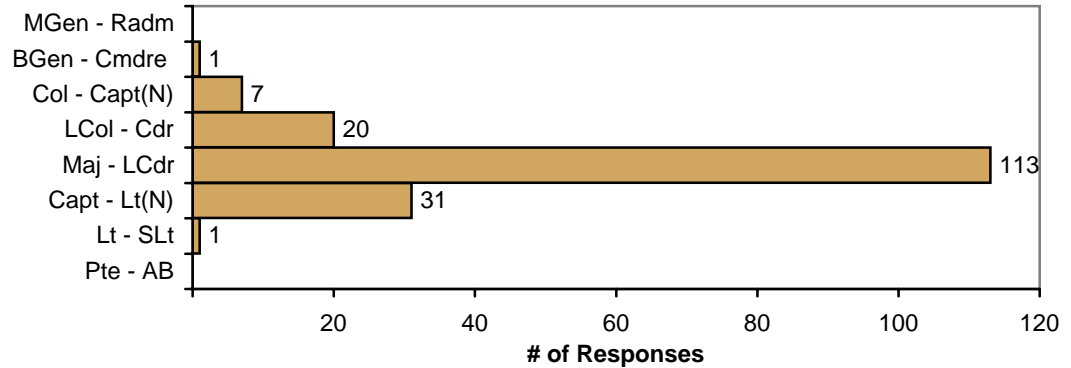
<u># of Summary Trials</u>	<u>2004</u>	<u>2005</u>
1	53.3%	46.2%
2	20.7%	29.3%
3	12.0%	12.0%
3.5		0.5%
4	6.5%	2.7%
5	3.3%	2.2%
6	0.5%	3.8%
7	1.6%	0.5%
8	0.5%	1.1%
9	0.0%	0.0%
10	1.1%	0.5%
11	0.5%	0.0%
20		0.5%
28		0.5%
Average	(n=184) 2.1	(n=184) 2.3

Presiding Officer

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2005	17	157	174	9.8%	90.2%
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%

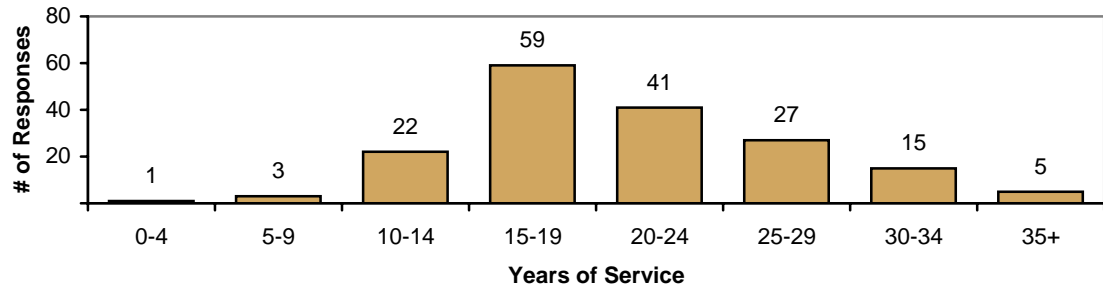
Section 1: Profile

1. What is your present rank?



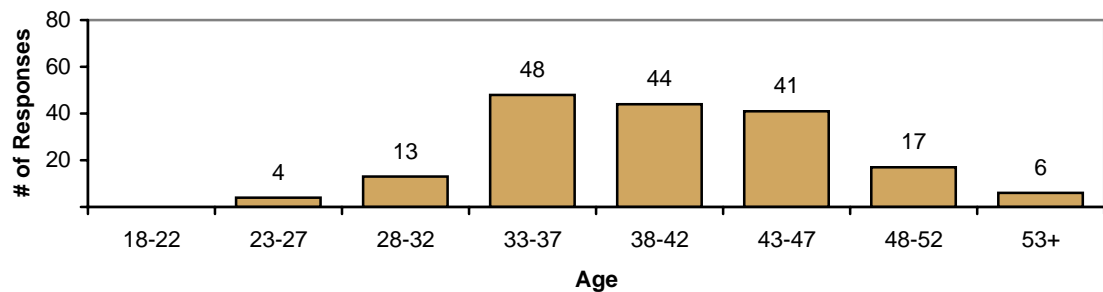
		2001	2002	2003	2004	2005
Gen'l/Flag Officers	MGen - Radm	0.0%	1.1%	0.0%	0.0%	0.0%
	BGen - Cmdre	0.4%	1.1%	0.6%	1.3%	0.6%
Sr Officers	Col - Capt(N)	0.0%	4.9%	3.3%	2.6%	4.0%
	LCol - Cdr	19.8%	18.7%	12.8%	13.5%	11.6%
	Maj - LCdr	61.3%	63.7%	67.2%	60.6%	65.3%
Jr Officers	Capt - Lt(N)	17.3%	10.4%	15.6%	21.9%	17.9%
	Lt - SLt	0.8%	0.0%	0.0%	0.0%	0.6%
NCM	Pte - AB	0.4%	0.0%	0.6%	0.0%	0.0%
		(n=248)	(n=182)	(n=180)	(n=155)	(n=173)

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



	2001	2002	2003	2004	2005
0-4	0.8%	0.0%	0.6%	0.6%	0.6%
5-9	0.8%	0.5%	0.6%	0.6%	1.7%
10-14	12.1%	8.8%	11.2%	14.8%	12.7%
15-19	32.3%	38.5%	34.1%	34.8%	34.1%
20-24	31.0%	22.0%	26.8%	21.9%	23.7%
25-29	14.9%	19.8%	14.5%	14.2%	15.6%
30-34	6.5%	6.6%	10.1%	9.7%	8.7%
35+	1.6%	3.8%	2.2%	3.2%	2.9%
	(n=248)	(n=182)	(n=179)	(n=155)	(n=173)

3. How old are you?



	2001	2002	2003	2004	2005
18-22	0.4%	0.0%	0.0%	0.0%	0.0%
23-27	1.2%	0.5%	0.6%	0.6%	2.3%
28-32	6.9%	2.2%	6.7%	11.0%	7.5%
33-37	25.4%	30.8%	27.2%	25.2%	27.7%
38-42	36.3%	27.5%	28.9%	25.2%	25.4%
43-47	17.3%	26.4%	20.6%	21.9%	23.7%
48-52	9.7%	8.8%	12.2%	11.0%	9.8%
53+	2.8%	3.8%	3.9%	5.2%	3.5%
	(n=248)	(n=182)	(n=180)	(n=155)	(n=173)

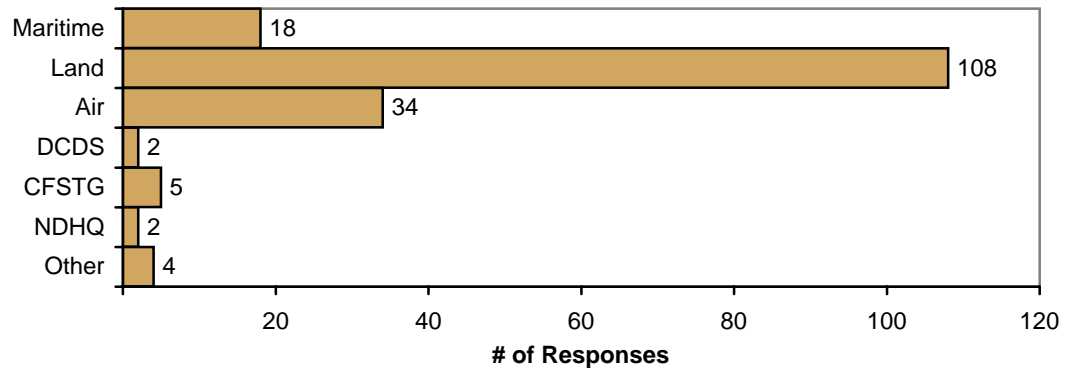
4. Are you:

	2001	2002	2003	2004	2005
Male	96.8%	95.1%	95.0%	92.3%	95.4%
Female	3.2%	4.9%	5.0%	7.7%	4.6%
	(n=248)	(n=182)	(n=180)	(n=155)	(n=173)

5. What is your first official language?

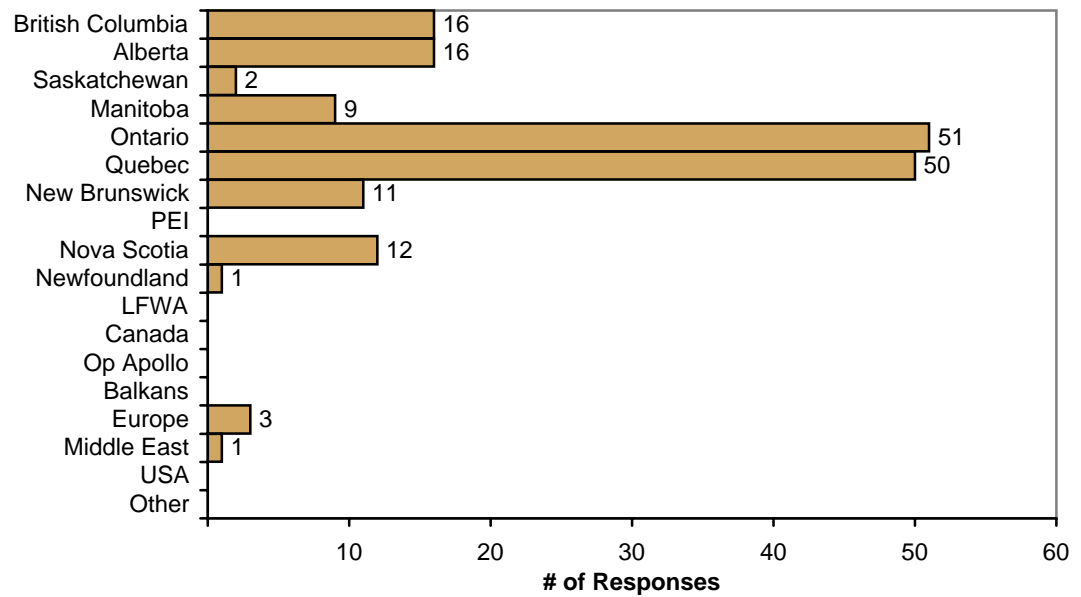
	2001	2002	2003	2004	2005
English	75.3%	79.7%	73.9%	72.3%	64.7%
French	24.7%	20.3%	26.1%	27.7%	35.3%
	(n=247)	(n=182)	(n=180)	(n=155)	(n=173)

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



	2001	2002	2003	2004	2005
Maritime	14.1%	13.7%	15.0%	19.4%	10.4%
Land	54.0%	58.2%	57.2%	49.0%	62.4%
Air	9.7%	11.0%	13.3%	13.5%	19.7%
DCDS (Deployed Operations)	2.0%	2.2%	1.7%	2.6%	1.2%
CFSTG (Training)	10.9%	7.7%	8.3%	8.4%	2.9%
NDHQ	2.4%	4.9%	2.8%	1.3%	1.2%
Other	6.9%	2.2%	1.7%	5.8%	2.3%
	(n=248)	(n=182)	(n=180)	(n=155)	(n=173)

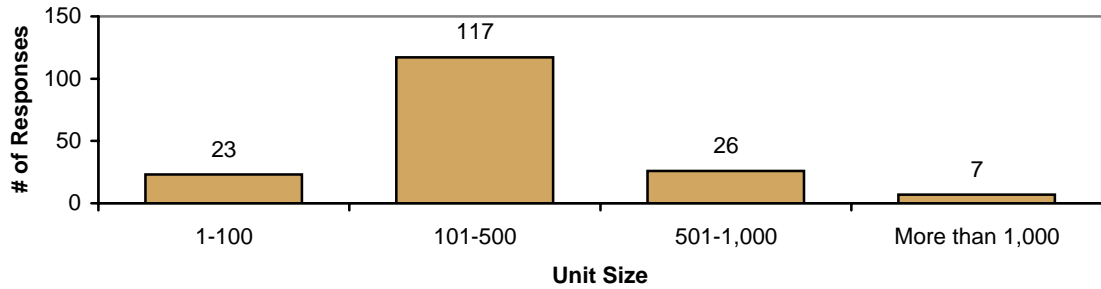
7. In what province (if in Canada), nation or area of operations (if outside Canada) is your unit currently located?



	2001	2002	2003	2004	2005
British Columbia	7.3%	6.7%	3.9%	11.0%	9.3%
Alberta	7.7%	11.7%	9.5%	11.7%	9.3%
Saskatchewan	1.2%	0.0%	0.6%	0.6%	1.2%
Manitoba	2.8%	3.3%	2.2%	3.9%	5.2%
Ontario	38.3%	37.2%	39.1%	23.4%	29.7%
Quebec	18.5%	13.3%	21.8%	20.8%	29.1%
New Brunswick	8.5%	11.7%	6.1%	8.4%	6.4%
PEI	0.4%	1.1%	1.1%	0.0%	0.0%
Nova Scotia	8.9%	5.0%	11.2%	11.0%	7.0%
Newfoundland	1.6%	1.1%	0.6%	0.6%	0.6%
LFWA	0.4%	0.6%	0.0%	0.0%	0.0%
Canada		0.6%	0.0%	0.6%	0.0%
Op Apollo		2.2%	0.6%	0.0%	0.0%
Balkans	2.4%	1.7%	1.1%	4.5%	0.0%
Europe	0.4%	1.7%	1.1%	1.9%	1.7%
Middle East	0.8%	1.1%	0.0%	0.6%	0.6%
USA	0.8%	1.1%	0.0%	0.0%	0.0%
Other			1.1%	0.6%	0.0%

(n=248) (n=180) (n=179) (n=154) (n=172)

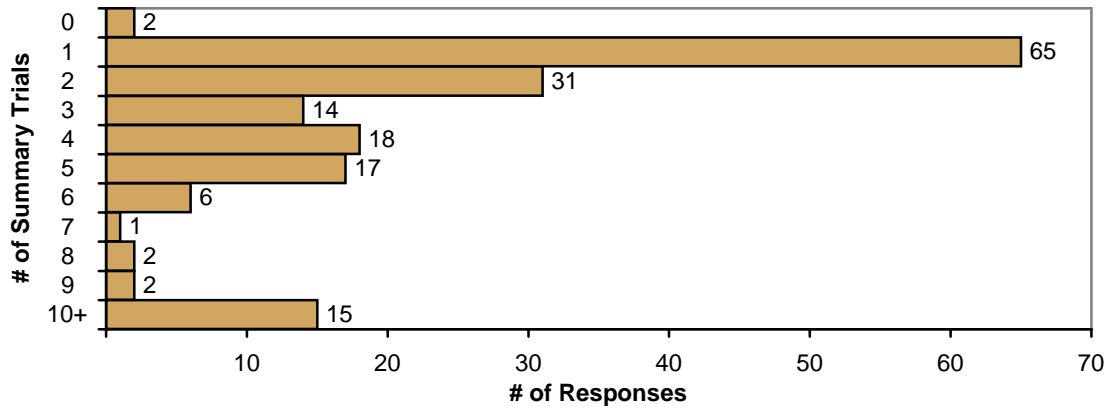
8. What is the size of the unit you are working in?



	2001	2002	2003	2004	2005
1-100	21.1%	20.3%	19.7%	14.2%	13.3%
101-500	56.9%	56.6%	58.4%	59.4%	67.6%
501-1,000	15.9%	15.9%	15.2%	16.1%	15.0%
More than 1,000	6.1%	7.1%	6.7%	10.3%	4.0%
	(n=246)	(n=182)	(n=178)	(n=155)	(n=173)

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>	<u>2005</u>
0	4.4%	0.0%	0.0%	1.3%	1.2%
1	36.7%	28.4%	40.6%	41.3%	37.6%
2	18.1%	17.5%	13.9%	12.9%	17.9%
3	13.3%	14.8%	13.3%	7.7%	8.1%
4	7.3%	7.7%	7.2%	9.0%	10.4%
5	5.6%	5.5%	7.2%	8.4%	9.8%
6	3.2%	2.7%	5.0%	3.2%	3.5%
7	2.0%	3.3%	1.7%	1.3%	0.6%
8	2.4%	2.2%	0.6%	2.6%	1.2%
9	0.4%	0.5%	0.6%	1.9%	1.2%
10+	6.5%	17.5%	10.0%	10.3%	8.7%

(n=248) (n=183) (n=180) (n=155) (n=173)

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>	<u>2005</u>
Yes	98.8%	99.5%	99.4%	99.4%	100.0%
No	0.4%	0.0%	0.6%	0.0%	0.0% >> Go to Q.2.c
No Response	0.8%	0.5%	0.0%	0.6%	0.0%

(n=250) (n=183) (n=180) (n=155) (n=174)

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>	<u>2005</u>
Sep 99 to Mar 00	67.0%	33.5%	20.8%	
Sep 99 to Mar 01				27.0%
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
Apr 01 to Mar 02				18.4% >> 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 02 to Mar 03				12.1% >> 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
Apr 03 to Mar 04				20.7% >> Go to Q.3
Apr 04 to Aug 04				10.3% >> Go to Q.3
Sep 04 to now				9.8% >> Go to Q.3
No Response	1.6%	2.2%	2.6%	1.7%

(n=182) (n=179) (n=154) (n=174)

2.b) **If you answered "Sep 99 to Mar 01" to Question 2.a, have you completed Presiding Officer Re-certification Training?**

	2004	2005	
Yes	18.8%	80.9%	>> Go to Q.3
No	81.3%	17.0%	>> Go to Q.3
No Response	0.0%	2.1%	
	(n=32)	(n=47)	

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

	2001	2002	2003	2004	2005	
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)	(n=0)	

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

	2003	2004	2005
Yes			
No			
No Response			
	(n=0)	(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?**

	2001	2002	2003	2004	2005
Almost Always	21.6%	94.0%	92.2%	92.3%	92.0%
Sometimes	0.4%	3.8%	3.9%	5.8%	4.6%
Almost Never	0.4%	1.1%	3.3%	1.3%	2.9%
No Response	77.6%	1.1%	0.6%	0.6%	0.6%
	(n=250)	(n=183)	(n=180)	(n=155)	(n=174)

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

	2001	2002	2003	2004	2005	
Almost Always		83.1%	79.4%	83.9%	71.3%	>> Go to Q.5
Sometimes		13.1%	15.6%	10.3%	20.1%	>> Go to Q.5
Almost Never		2.2%	5.0%	5.8%	7.5%	
Yes	88.8%					>> Go to Q.5
No	9.2%					
No Response	2.0%	1.6%	0.0%	0.0%	1.1%	
	(n=250)	(n=183)	(n=180)	(n=155)	(n=174)	

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 unit legal advisor does not return his phone calls and does not seem to care about helping my unit
- I've only done one and in that case it was a charge that was not eligible for selection for court martial. I had discussions with the Adjt to ensure I didn't misunderstand anything about the mechanics of the trial and have had significant experience as an assisting officer. My Unit routinely receives advice from the AJAG when the charge is prepared and laid.
- I do actually consult the unit legal advisor. But as there is no spot for general comments on this survey I will put them here. Although there are some notable exceptions, such as the legal advisors in Edmonton, in my opinion the JAG Branch are a bunch of incompetent troglodytes. Especially at the "leadership" level (again with a few exceptions), they are an embarrassment to the military profession and are just lawyers dressed up as soldiers. If I wasn't in LFWA I'd rather get my legal advice from a civilian lawyer or from reruns of the US television show "JAG".
- Most charges handled by a Delegated Offr do not reqr legal input.
- Nous n'avons pas de conseiller juridique à l'unité. Cependant je consulte presque toujours le JAA de la garnison.
- I have only presided over one case since receiving my accreditation and the individual admitted to all of the particulars. The investigating CPO2 was in touch with the legal advisor during the investigation.
- Unit policy is that all charges are referred to legal advisor for review to ensure their validity before being handed to a presiding officer. My review as Delegated Officer is completed and I have then proceeded to conduct the trial.
- Dans les deux cas, j'ai présidé comme Cmt Supérieur. Un membre de l'unité de l'accusé avait consulté le conseiller juridique avant de procéder aux accusations
- Aucun conseiller juridique d'unité. Conseiller au niveau de Brigade et ce dernier est consulté pour vérifier le processus, l'accusation et le bareme des peines.
- Je n'ai pas encore emploi comme offr présidant depuis mon cours.
- Je n'ai fais qu'un proces sommaire et je me suis fiée aux autres procès pour la même infraction.
- Most cases are minor in nature and the applicable punishments are easy to determine/
- This is CRM's responsibility. I do not get involved in the charging or investigation to prevent the perception of bias.

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

	2001	2002	2003	2004	2005
Almost Always	24.0%	5.5%	7.2%	5.2%	9.2%
Sometimes	15.6%	21.3%	21.7%	16.8%	14.9%
Almost Never	58.8%	71.0%	71.1%	78.1%	74.1%
No Response	1.6%	2.2%	0.0%	0.0%	1.7%
	(n=250)	(n=183)	(n=180)	(n=155)	(n=174)

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

	2001	2002	2003	2004	2005
Almost Always	51.2%	45.4%	35.6%	25.2%	30.5%
Sometimes	27.6%	32.8%	32.2%	45.8%	35.1%
Almost Never	18.0%	20.2%	32.2%	28.4%	33.3%
No Response	3.2%	1.6%	0.0%	0.6%	1.1%
	(n=250)	(n=183)	(n=180)	(n=155)	(n=174)

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

	2001	2002	2003	2004	2005
Almost Always	42.0%	45.4%	41.7%	26.5%	34.5%
Sometimes	41.2%	37.7%	35.0%	47.1%	39.1%
Almost Never	13.6%	15.3%	23.3%	25.8%	24.7%
No Response	3.2%	1.6%	0.0%	0.6%	1.7%
	(n=250)	(n=183)	(n=180)	(n=155)	(n=174)

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

	2001	2002	2003	2004	2005
Almost Always	79.2%	79.2%	66.7%	68.4%	66.7%
Sometimes	9.2%	13.7%	22.2%	18.7%	19.0%
Almost Never	7.6%	6.0%	11.1%	12.3%	12.6%
No Response	4.0%	1.1%	0.0%	0.6%	1.7%
	(n=250)	(n=183)	(n=180)	(n=155)	(n=174)

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

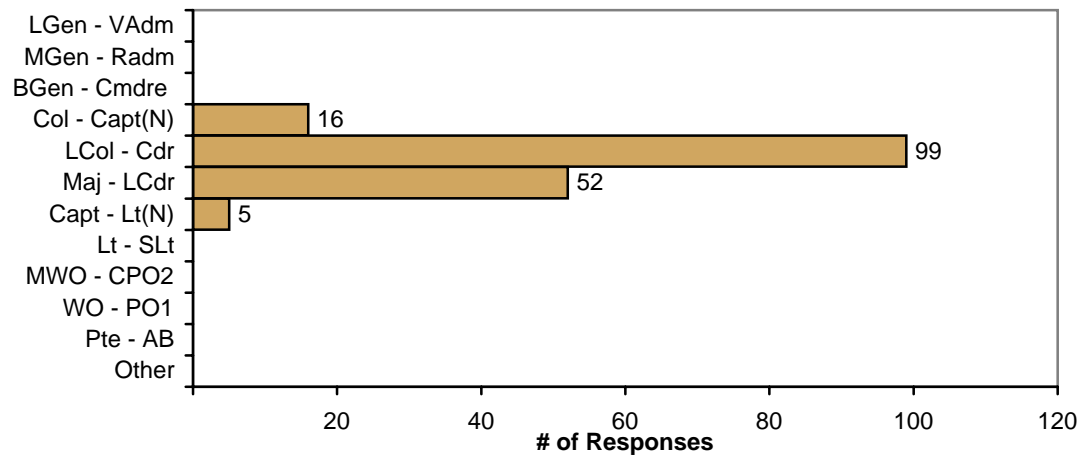
	2001	2002	2003	2004	2005
Almost Always	78.4%	80.9%	77.2%	70.3%	74.1%
Sometimes	14.4%	14.8%	18.3%	20.6%	19.5%
Almost Never	4.0%	3.3%	4.4%	7.7%	5.2%
No Response	3.2%	1.1%	0.0%	1.3%	1.1%
	(n=250)	(n=183)	(n=180)	(n=155)	(n=174)

Commanding Officer

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2005	3	170	173	1.7%	98.3%
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%

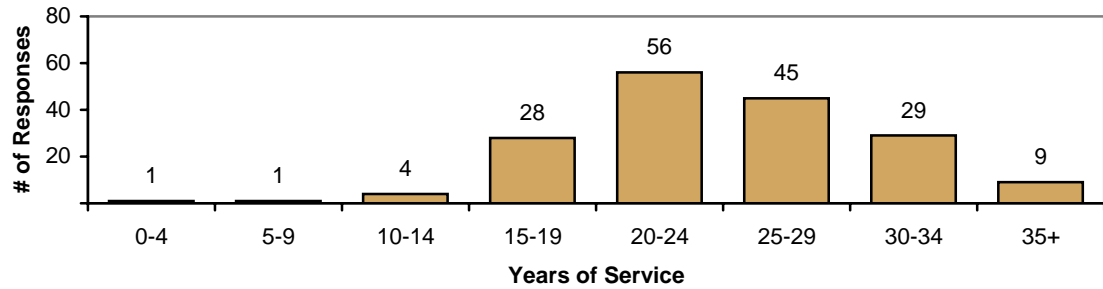
Section 1: Profile

1. What is your present rank?



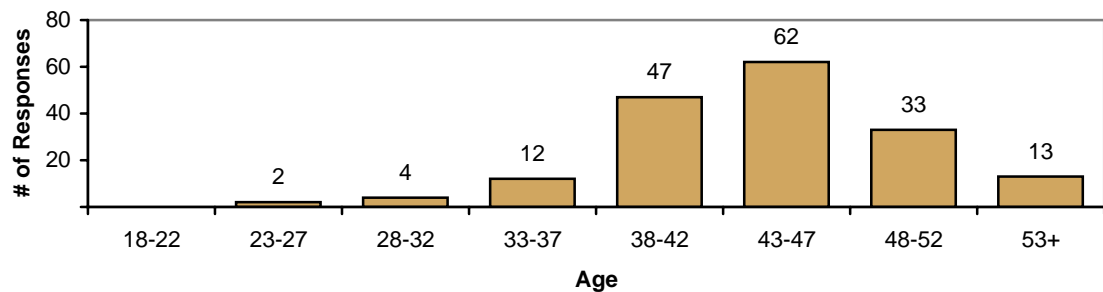
		2001	2002	2003	2004	2005
Gen'l/Flag Officers	LGen - VAdm	0.4%	0.0%	0.0%	0.0%	0.0%
	MGen - Radm	0.4%	1.1%	0.7%	0.0%	0.0%
	BGen - Cmdre	0.0%	1.1%	0.0%	0.6%	0.0%
Sr Officers	Col - Capt(N)	12.1%	9.8%	9.2%	10.4%	9.2%
	LCol - Cdr	52.8%	51.1%	60.8%	53.4%	57.2%
	Maj - LCdr	30.7%	32.8%	26.1%	33.7%	30.1%
Jr Officers	Capt - Lt(N)	2.2%	2.3%	3.3%	1.8%	2.9%
	Lt - SLt	0.4%	0.0%	0.0%	0.0%	0.0%
NCM	MWO - CPO2	0.4%	0.0%	0.0%	0.0%	0.0%
	WO - PO1	0.0%	1.1%	0.0%	0.0%	0.0%
	Pte - AB					0.6%
Appointments	Other	0.4%	0.6%	0.0%	0.0%	0.0%
		(n=231)	(n=174)	(n=153)	(n=163)	(n=173)

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



	2001	2002	2003	2004	2005
0-4	0.0%	0.0%	0.7%	0.0%	0.6%
5-9	0.0%	0.0%	0.0%	0.0%	0.6%
10-14	4.8%	5.7%	2.0%	4.3%	2.3%
15-19	11.3%	15.5%	13.1%	19.0%	16.2%
20-24	34.3%	27.0%	36.6%	29.4%	32.4%
25-29	27.0%	32.2%	24.8%	28.2%	26.0%
30-34	16.5%	12.6%	17.0%	14.1%	16.8%
35+	6.1%	6.9%	5.9%	4.9%	5.2%
	(n=230)	(n=174)	(n=153)	(n=163)	(n=173)

3. How old are you?



	2001	2002	2003	2004	2005
18-22	0.0%	0.0%	0.0%	0.0%	0.0%
23-27	0.4%	0.0%	0.0%	0.0%	1.2%
28-32	1.3%	1.7%	0.7%	1.8%	2.3%
33-37	8.7%	8.6%	8.5%	12.9%	6.9%
38-42	28.1%	28.7%	29.4%	25.2%	27.2%
43-47	30.3%	36.2%	29.4%	36.8%	35.8%
48-52	22.5%	14.4%	21.6%	17.2%	19.1%
53+	8.7%	10.3%	10.5%	6.1%	7.5%
	(n=231)	(n=174)	(n=153)	(n=163)	(n=173)

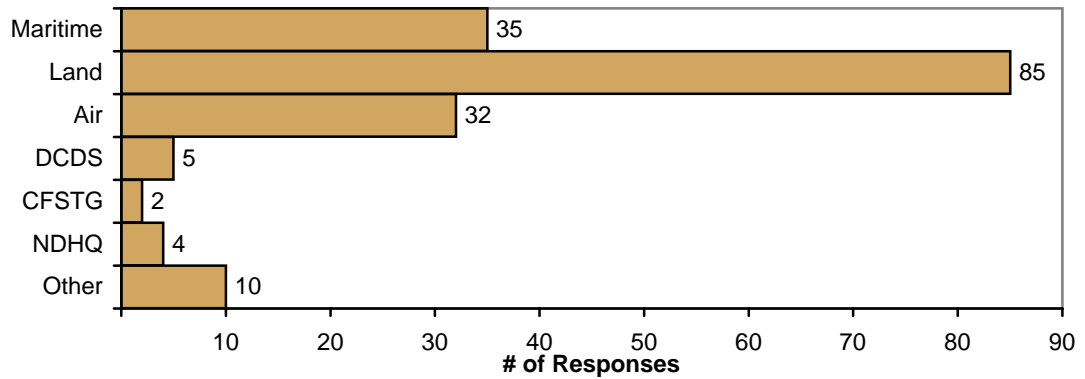
4. Are you:

	2001	2002	2003	2004	2005
Male	93.5%	93.7%	94.8%	95.1%	92.5%
Female	6.5%	6.3%	5.2%	4.9%	7.5%
	(n=231)	(n=174)	(n=153)	(n=163)	(n=173)

5. What is your first official language?

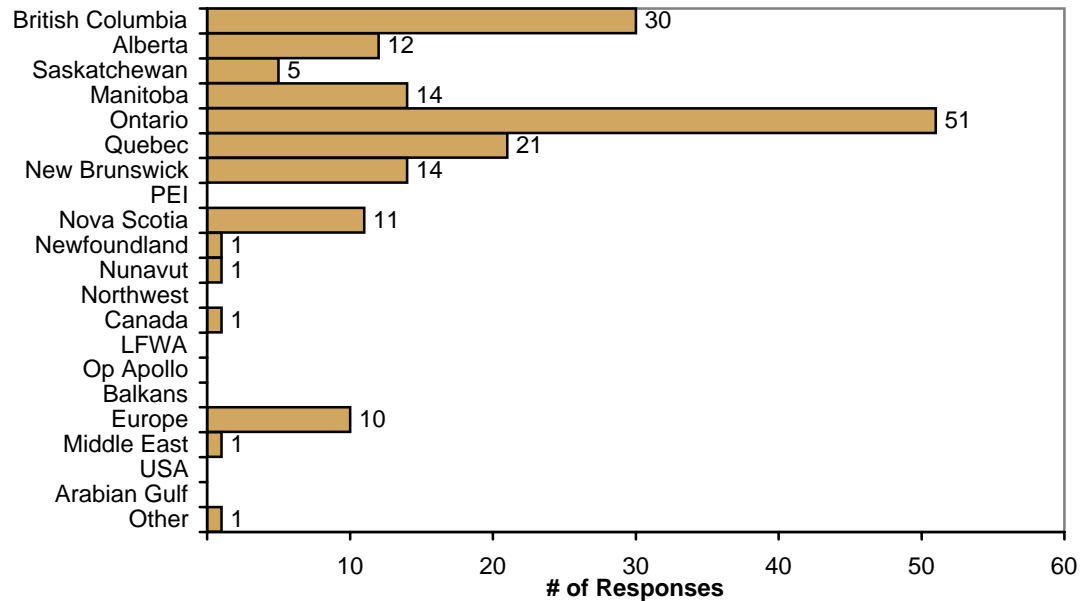
	2001	2002	2003	2004	2005
English	83.6%	83.9%	85.0%	78.5%	76.9%
French	16.5%	16.1%	15.0%	21.5%	23.1%
	(n=231)	(n=174)	(n=153)	(n=163)	(n=173)

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



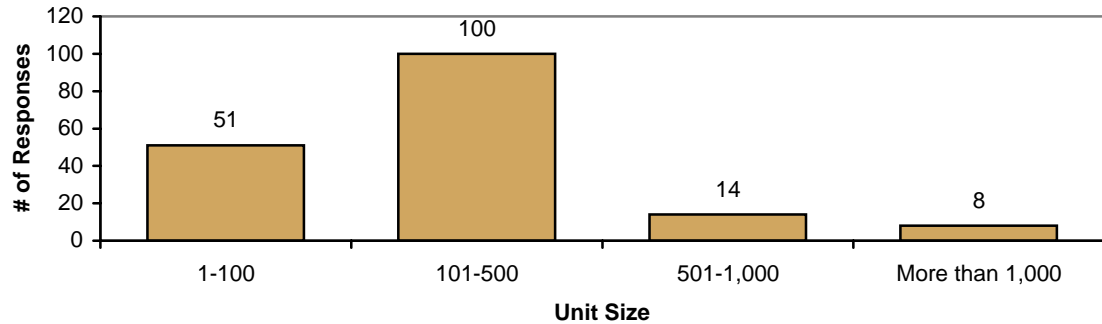
	2001	2002	2003	2004	2005
Maritime	17.7%	16.1%	24.8%	27.6%	20.2%
Land	35.1%	40.8%	39.2%	34.4%	49.1%
Air	21.2%	23.6%	25.5%	19.0%	18.5%
DCDS (Deployed Operations)	2.2%	1.7%	1.3%	2.5%	2.9%
CFSTG (Training)	9.5%	6.3%	2.6%	1.8%	1.2%
NDHQ	3.9%	3.4%	0.7%	3.1%	2.3%
Other	10.4%	8.0%	5.9%	11.7%	5.8%
	(n=231)	(n=174)	(n=153)	(n=163)	(n=173)

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



	2001	2002	2003	2004	2005
British Columbia	13.9%	11.5%	7.2%	12.3%	17.3%
Alberta	4.8%	19.5%	12.4%	6.1%	6.9%
Saskatchewan	0.9%	1.1%	3.3%	1.8%	2.9%
Manitoba	3.5%	5.7%	5.2%	1.8%	8.1%
Ontario	41.6%	23.0%	25.5%	29.4%	29.5%
Quebec	9.1%	9.2%	9.8%	9.2%	12.1%
New Brunswick	4.8%	11.5%	4.6%	10.4%	8.1%
PEI	0.4%	0.6%	0.7%	0.6%	0.0%
Nova Scotia	14.3%	6.9%	20.3%	19.6%	6.4%
Newfoundland	2.2%	2.9%	0.7%	0.6%	0.6%
Nunavut	0.4%	0.0%	0.0%	0.0%	0.6%
Northwest Territories				1.2%	0.0%
Canada			1.3%	1.2%	0.6%
LFWA	0.0%	1.1%	0.0%	0.0%	0.0%
Op Apollo		1.1%	1.3%	0.0%	0.0%
Balkans	0.4%	0.6%	0.7%	0.6%	0.0%
Europe	1.7%	2.9%	5.2%	2.5%	5.8%
Middle East	0.9%	0.6%	0.0%	1.2%	0.6%
USA	0.9%	0.6%	0.7%	0.0%	0.0%
Arabian Gulf Region & SW Asia				0.6%	0.0%
Other	0.4%	1.1%	1.3%	0.6%	0.6%
	(n=231)	(n=174)	(n=153)	(n=163)	(n=173)

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



	2001	2002	2003	2004	2005
1-100	37.4%	46.6%	36.6%	32.5%	29.5%
101-500	47.4%	40.8%	48.4%	51.5%	57.8%
501-1,000	10.4%	5.7%	9.2%	9.2%	8.1%
More than 1,000	4.8%	6.9%	5.9%	6.7%	4.6%
	(n=230)	(n=174)	(n=153)	(n=163)	(n=173)

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	2005
Yes	92.7%	92.5%	98.0%	97.5%	97.7% >> Go to Q.2
No	6.5%	7.5%	2.0%	2.5%	2.3%
No Response	0.9%				
	(n=232)	(n=174)	(n=153)	(n=163)	(n=173)

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

	2001	2002	2003	2004	2005
Yes	26.7%	0.0%	0.0%	0.0%	0.0%
No	73.3%	100.0%	100.0%	100.0%	100.0% >> Go to Q.2
No Response		0.0%	0.0%	0.0%	0.0%
	(n=15)	(n=13)	(n=3)	(n=4)	(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	2005
Yes					9.1%
No					90.9%
No Response					0.0%
			(n=0)	(n=0)	(n=22)

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

	2001	2002	2003	2004	2005
Yes	92.7%	79.3%	92.2%	95.7%	91.3% >> Go to Q.3
No	5.6%	0.6%	6.5%	3.7%	5.8%
No charges have been laid at Unit since Sep 99		19.5%			
No Response	1.7%	0.6%	1.3%	0.6%	2.9%
	(n=232)	(n=174)	(n=153)	(n=163)	(n=173)

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.]

- This function is performed by higher command level (Base)
- Have had no disciplinary proceedings
- Its never been an issue
- To date (last 8+ year) no disciplinary proceedings conducted.
- There are only two Canadians serving at this multi-national HQ, which is not a CF national unit.
- RDP is held at Base level on behalf of Branch.
- No disciplinary proceeding to register (sum trial or CM) in past 5 yrs
- Currently we have no persons charged. Also we are an MP unit and it is extremely rare that an MP would be charged.
- There have been no proceedings for a very long time at my particular unit. I looked to find the Unit Registry, but I could not find any.
- Didn't Know I needed to!

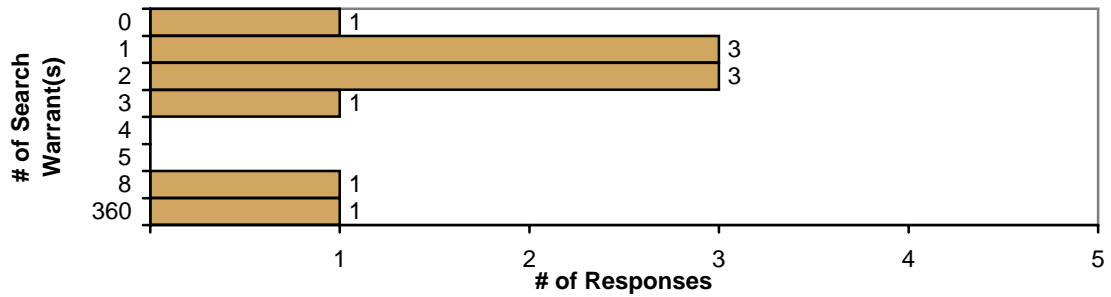
3. Have you ever approved a search warrant?

	2001	2002	2003	2004	2005
Yes	3.9%	4.0%	6.5%	6.1%	6.9%
No	94.0%	96.0%	93.5%	93.9%	93.1% >> Go to Q.4
No Response	2.2%	0.0%	0.0%	0.0%	0.0%
	(n=232)	(n=174)	(n=153)	(n=163)	(n=173)

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	2005
Almost Always	66.7%	100.0%	90.0%	100.0%	66.7%
Sometimes	0.0%	0.0%	0.0%	0.0%	8.3%
Almost Never	33.3%	0.0%	10.0%	0.0%	16.7%
No Response		0.0%	0.0%	0.0%	8.3%
	(n=9)	(n=7)	(n=10)	(n=10)	(n=12)

3.b) How many search warrants have you approved since January 1, 2004?



<u># of Search Warrant(s)</u>	<u>2004</u>	<u>2005</u>
0	30.0%	10.0%
1	40.0%	30.0%
2	20.0%	30.0%
3	0.0%	10.0%
4	10.0%	0.0%
5	0.0%	0.0%
8		10.0%
360		10.0%
	(n=10)	(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>	<u>2005</u>	
Almost Always	80.2%	70.7%	73.9%	81.6%	77.5%	>> Go to Q.5
Sometimes	3.0%	4.6%	4.6%	3.7%	2.3%	>> Go to Q.5
Almost Never	9.1%	21.8%	20.3%	14.1%	17.9%	
No Response	7.8%	2.9%	1.3%	0.6%	2.3%	
	(n=232)	(n=174)	(n=153)	(n=163)	(n=173)	

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.]

- NO NEED FOR IT YET
- Have had no disciplinary proceedings
- Never an issue
- No disciplinary proceedings conducted.
- No requirement yet. No charges laid.
- I have never heard a "charge", hence no RDPs to send
- Have not had an RDP since Jan 04, therefore, nothing sent.
- have not had a charge in our unit ever
- No CF member has ever been charged here.
- Have not held summary trial within unit yet.
- Did not have any legal activities happening i.e. charges etc...
- Je n'ai pas eu de cas disciplinaire.
- No charges to act upon

- Although we have a record, we have not had anyone charge for quite some time, hence no need to forward the record for review.
- I have been CO for approx 18 months and have not had a disciplinary proceeding in that time.
- We have not had a charge for quite awhile.
- We have had no disciplinary proceedings to report.
- I have not processed any charges as Commanding Officer.
- Because we have mostly Sr NCOs and Officers in the unit and thus we have very few disciplinary matters. When we do have them, we send the appropriate paperwork.
- In the 1.5yrs as CO of this reserve unit, we have not had to lay a charge.
- Aucun cas depuis mon arrive
- There have been no recorded incidents during my tenure
- No one charged
- No need to I have a unit full of law abiding officers.
- Although I have served as Presiding Officer for the trial of a member from another unit, there has been no proceedings in my unit for many years.
- Je n'ai pas eu de procédure disciplinaire à mon unité depuis le 1er janv 2004.
- Serve as D/WComd at 17 Wing, and hold CO status accordingly. As yet, though, I have not had to preside over any proceedings, or process the outcome of any proceedings.
- Have not had a Disciplinary proceeding since 1 Jan 04
- have not had any entries for an extended period of time
- Let's call this Not Applicable as we have not summarily tried anyone since roughly 1996.

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	2005	
Almost Always	59.1%	45.4%	44.4%	43.6%	55.5%	
Sometimes	17.2%	11.5%	11.1%	19.6%	11.0%	
Almost Never	10.8%	2.9%	2.6%	6.1%	5.8%	
N/A (have not held a Summary Trial at Unit since Jan 04)		36.2%	41.8%	30.7%	26.6%	>> Go to Q.7
No Response	12.9%	4.0%	0.0%	0.0%	1.2%	
	(n=232)	(n=174)	(n=153)	(n=163)	(n=173)	

6. **Is the feedback timely?**

	2001	2002	2003	2004	2005
Yes	71.1%	85.6%	92.1%	89.4%	82.7%
No	11.2%	8.1%	5.6%	8.8%	9.4%
No Response	17.7%	6.3%	2.2%	1.8%	7.9%
	(n=232)	(n=111)	(n=89)	(n=113)	(n=127)

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

	2001	2002	2003	2004	2005
1-10	6.0%	4.0%	2.6%	4.3%	5.8%
10+	0.0%	0.0%	0.7%	0.0%	0.0%
Never	90.9%	93.1%	96.7%	94.5%	93.1% >> Go to Q.8
No Response	3.0%	2.9%	0.0%	1.2%	1.2%
	(n=232)	(n=174)	(n=153)	(n=163)	(n=173)

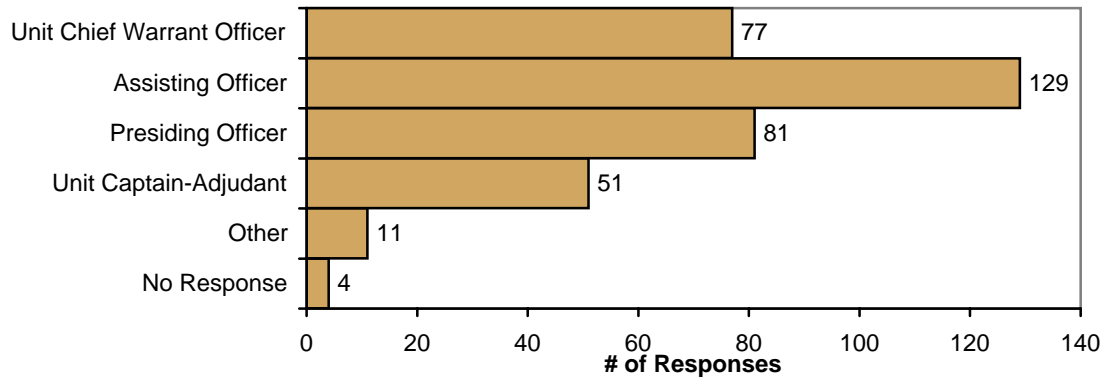
7.a) **If you receive requests for public access to RDPs, how often do you consult a lawyer about these requests?**

	2001	2002	2003	2004	2005
Almost Always	85.7%	42.9%	80.0%	85.7%	80.0%
Sometimes	10.7%	28.6%	0.0%	0.0%	0.0%
Almost Never	3.6%	14.3%	0.0%	0.0%	10.0%
No Response		14.3%	20.0%	14.3%	10.0%
	(n=28)	(n=7)	(n=5)	(n=7)	(n=10)

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	2005
Yes	90.9%	93.7%	92.8%	96.3%	95.4%
No	3.0%	2.3%	3.9%	2.5%	3.5%
No Response	6.0%	4.0%	3.3%	1.2%	1.2%
	(n=232)	(n=174)	(n=153)	(n=163)	(n=173)

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)?**



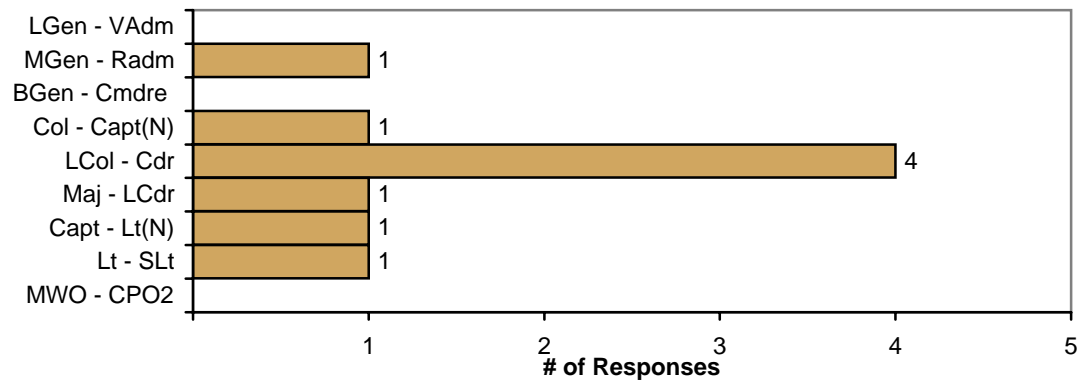
(n=173)

Review Authority

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2005	0	9	9	0.0%	100.0%
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%

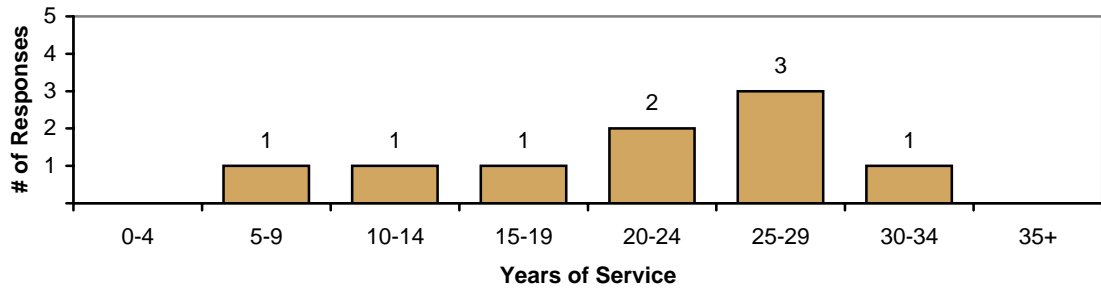
Section 1: Profile

1. What is your present rank?



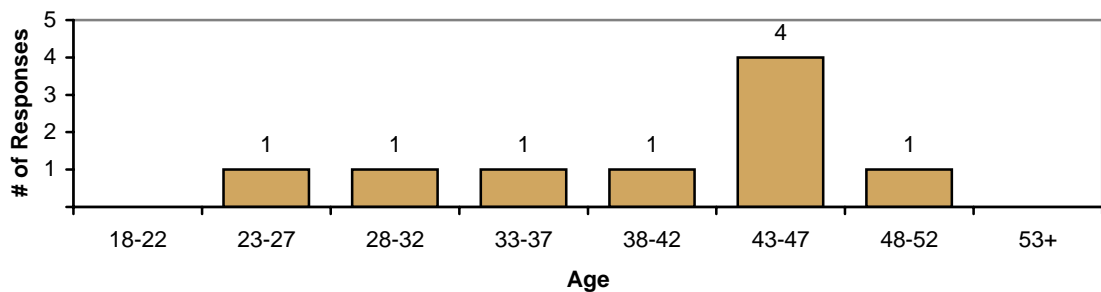
		2001	2002	2003	2004	2005
Gen'l/Flag Officers	LGen - VAdm	4.5%	0.0%	0.0%	0.0%	0.0%
	MGen - Radm	0.0%	8.3%	14.3%	0.0%	11.1%
	BGen - Cmdre	9.1%	25.0%	14.3%	42.9%	0.0%
Sr Officers	Col - Capt(N)	18.2%	16.7%	14.3%	28.6%	11.1%
	LCol - Cdr	45.5%	33.3%	42.9%	0.0%	44.4%
	Maj - LCdr	13.6%	8.3%	0.0%	14.3%	11.1%
Jr Officers	Capt - Lt(N)	4.5%	0.0%	14.3%	14.3%	11.1%
	Lt - SLt	0.0%	8.3%	0.0%	0.0%	11.1%
NCM	MWO - CPO2	4.5%	0.0%	0.0%	0.0%	0.0%
		(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

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



	2001	2002	2003	2004	2005
0-4	0.0%	0.0%	0.0%	0.0%	0.0%
5-9	0.0%	0.0%	0.0%	14.3%	11.1%
10-14	4.5%	8.3%	0.0%	0.0%	11.1%
15-19	13.6%	0.0%	14.3%	0.0%	11.1%
20-24	31.8%	8.3%	14.3%	0.0%	22.2%
25-29	36.4%	41.7%	28.6%	28.6%	33.3%
30-34	13.6%	16.7%	28.6%	57.1%	11.1%
35+	0.0%	25.0%	14.3%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

3. How old are you?



	2001	2002	2003	2004	2005
18-22	0.0%	0.0%	0.0%	0.0%	0.0%
23-27	0.0%	0.0%	0.0%	14.3%	11.1%
28-32	0.0%	8.3%	0.0%	0.0%	11.1%
33-37	18.2%	0.0%	14.3%	0.0%	11.1%
38-42	27.3%	0.0%	14.3%	0.0%	11.1%
43-47	36.4%	58.3%	42.9%	42.9%	44.4%
48-52	18.2%	16.7%	28.6%	42.9%	11.1%
53+	0.0%	16.7%	0.0%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

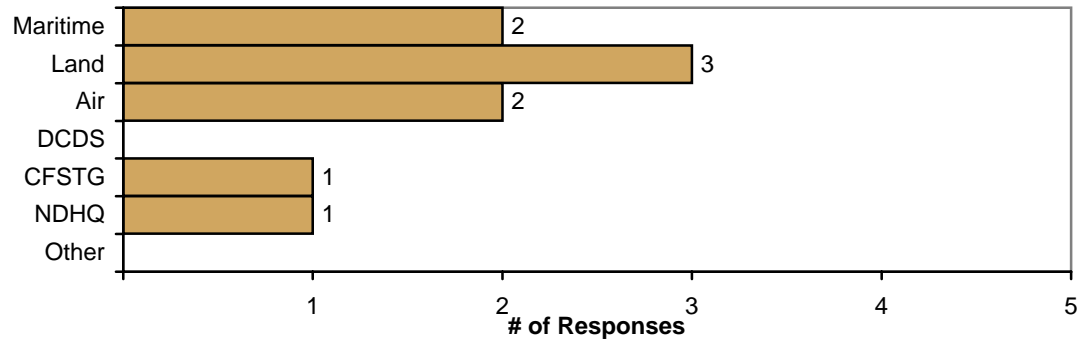
4. **Are you:**

	2001	2002	2003	2004	2005
Male	90.9%	100.0%	100.0%	100.0%	77.8%
Female	9.1%	0.0%	0.0%	0.0%	22.2%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

5. **What is your first official language?**

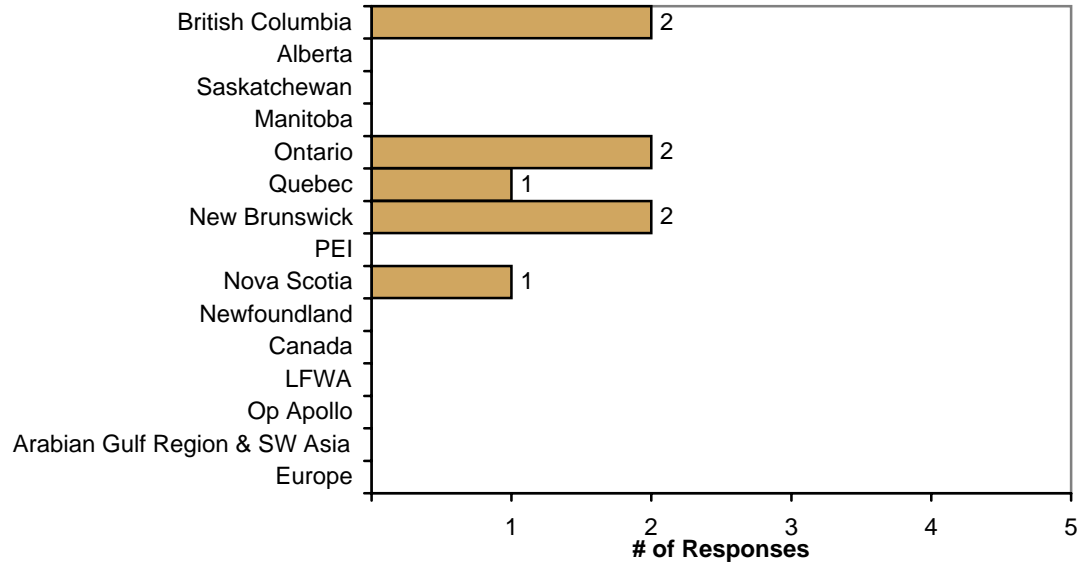
	2001	2002	2003	2004	2005
English	81.8%	91.7%	85.7%	71.4%	66.7%
French	18.2%	8.3%	14.3%	28.6%	33.3%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

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



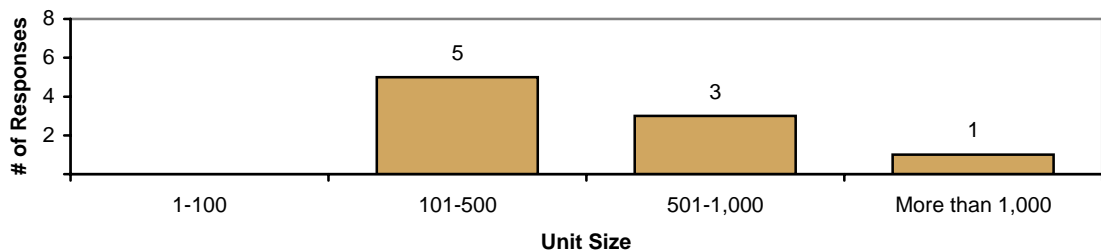
	2001	2002	2003	2004	2005
Maritime	18.2%	16.7%	42.9%	14.3%	22.2%
Land	40.9%	58.3%	28.6%	28.6%	33.3%
Air	18.2%	0.0%	0.0%	42.9%	22.2%
DCDS (Deployed Operations)	0.0%	0.0%	14.3%	14.3%	0.0%
CFSTG (Training)	13.6%	16.7%	14.3%	0.0%	11.1%
NDHQ	4.5%	8.3%	0.0%	0.0%	11.1%
Other	4.5%	0.0%	0.0%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

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



	2001	2002	2003	2004	2005
British Columbia	22.7%	0.0%	28.6%	42.9%	22.2%
Alberta	0.0%	8.3%	0.0%	0.0%	0.0%
Saskatchewan	0.0%	0.0%	0.0%	0.0%	0.0%
Manitoba	0.0%	0.0%	0.0%	0.0%	0.0%
Ontario	54.5%	33.3%	28.6%	0.0%	22.2%
Quebec	13.6%	8.3%	0.0%	14.3%	11.1%
New Brunswick	0.0%	16.7%	0.0%	0.0%	22.2%
PEI	0.0%	8.3%	0.0%	0.0%	0.0%
Nova Scotia	4.5%	0.0%	28.6%	14.3%	11.1%
Newfoundland	0.0%	8.3%	0.0%	0.0%	0.0%
Canada			14.3%	14.3%	0.0%
LFWA	4.5%	0.0%	0.0%	0.0%	0.0%
Op Apollo		8.3%	0.0%	0.0%	0.0%
Arabian Gulf Region & SW Asia					11.1%
Europe	0.0%	8.3%	0.0%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

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



	2001	2002	2003	2004	2005
1-100	4.5%	25.0%	0.0%	14.3%	0.0%
101-500	45.5%	50.0%	42.9%	14.3%	55.6%
501-1,000	31.8%	8.3%	0.0%	14.3%	33.3%
More than 1,000	18.2%	16.7%	57.1%	57.1%	11.1%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

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	2005
Yes	100.0%	100.0%	100.0%	100.0%	100.0%
No	0.0%	0.0%	0.0%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

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	2005
0	18.2%	8.3%	42.9%	14.3%	0.0%
1	50.0%	50.0%	42.9%	57.1%	22.2%
2	18.2%	8.3%	14.3%	28.6%	33.3%
3	4.5%	25.0%	0.0%	0.0%	33.3%
4	4.5%	0.0%	0.0%	0.0%	0.0%
5	4.5%	8.3%	0.0%	0.0%	0.0%
13					11.1%
No Response		0.0%	0.0%	0.0%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)
Average	1.4	1.8	0.7	1.1	3.3

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

	2001	2002	2003	2004	2005
Almost Always	9.1%	8.3%	28.6%	0.0%	0.0%
Sometimes	31.8%	16.7%	42.9%	42.9%	22.2%
Almost Never	40.9%	66.7%	28.6%	42.9%	77.8%
No Response	18.2%	8.3%	0.0%	14.3%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

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?**

	2001	2002	2003	2004	2005
Almost Always		91.7%	100.0%	85.7%	88.9%
Sometimes		0.0%	0.0%	0.0%	11.1%
Almost Never		0.0%	0.0%	0.0%	0.0%
No Response		8.3%	0.0%	14.3%	0.0%
		(n=12)	(n=7)	(n=7)	(n=9)

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

	2001	2002	2003	2004	2005
Almost Always	77.3%	91.7%	100.0%	85.7%	100.0%
Sometimes	9.1%	0.0%	0.0%	0.0%	0.0%
Almost Never	0.0%	0.0%	0.0%	0.0%	0.0%
No Response	13.6%	8.3%	0.0%	14.3%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

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

	2001	2002	2003	2004	2005
Almost Always	63.6%	91.7%	85.7%	85.7%	88.9%
Sometimes	27.3%	0.0%	14.3%	0.0%	11.1%
Almost Never	0.0%	0.0%	0.0%	0.0%	0.0%
No Response	9.1%	8.3%	0.0%	14.3%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

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

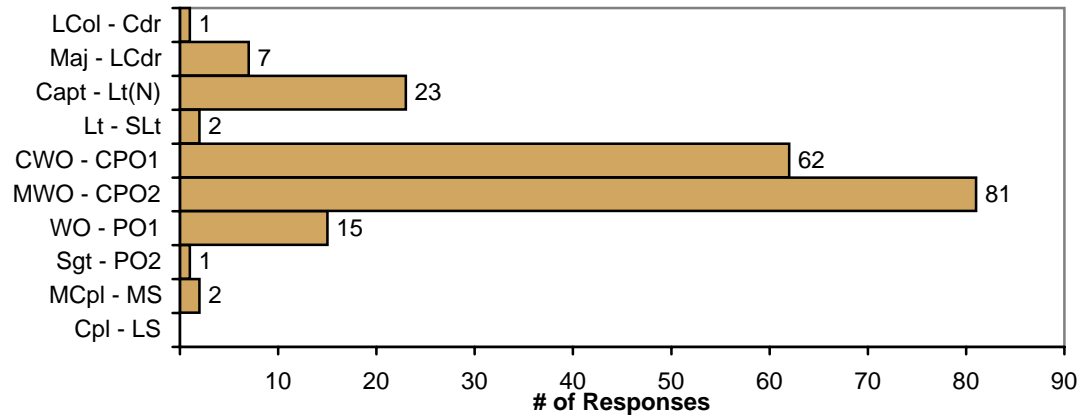
	2001	2002	2003	2004	2005
Yes	77.3%	75.0%	85.7%	85.7%	66.7%
No	13.6%	16.7%	14.3%	0.0%	33.3%
No Response	9.1%	8.3%	0.0%	14.3%	0.0%
	(n=22)	(n=12)	(n=7)	(n=7)	(n=9)

Charging Authority

Number of Respondents	Mail	On-Line	Total	% Mail	% On-Line
2005	12	183	195	6.2%	93.8%
2004	6	188	194	3.1%	96.9%
2003	28	157	185	15.1%	84.9%
2002	31	148	179	17.3%	82.7%

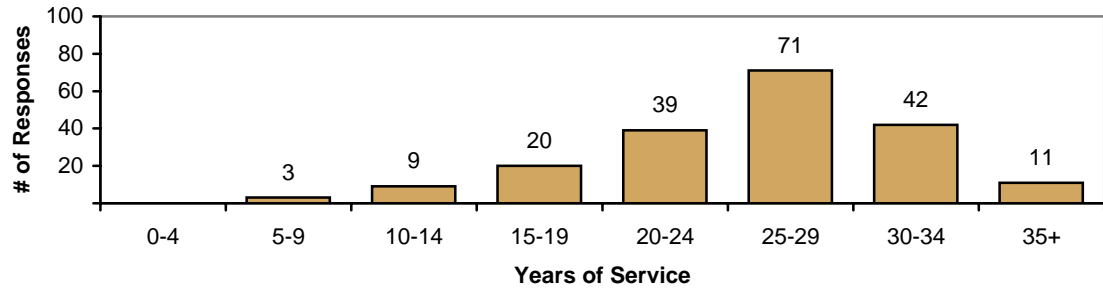
Section 1: Profile

1. What is your present rank?



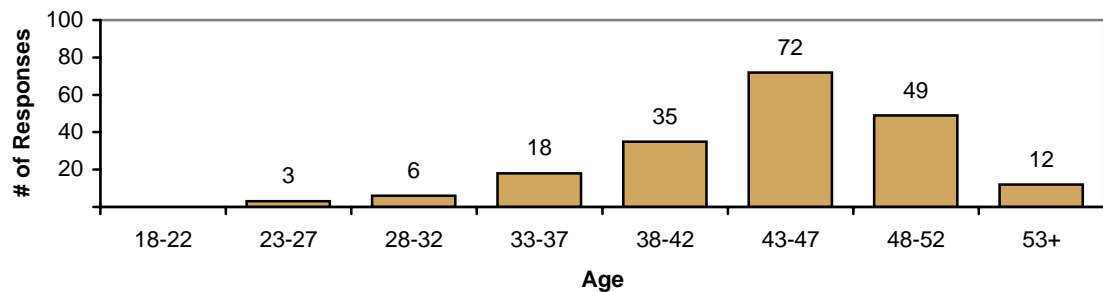
		2002	2003	2004	2005
Sr Officers	LCol - Cdr	1.1%	0.0%	2.1%	0.5%
	Maj - LCdr	4.5%	5.4%	4.1%	3.6%
Jr Officers	Capt - Lt(N)	13.0%	9.8%	12.4%	11.8%
	Lt - SLt	0.6%	0.0%	1.0%	1.0%
NCM	CWO - CPO1	33.3%	32.6%	30.9%	31.8%
	MWO - CPO2	37.9%	44.0%	34.5%	41.5%
	WO - PO1	7.3%	6.5%	11.3%	7.7%
	Sgt - PO2	1.1%	0.5%	1.5%	0.5%
	MCpl - MS	1.1%	0.5%	1.5%	1.0%
Appointments	Cpl - LS	40.0%	0.5%	0.0%	0.0%
	Other				0.5%
No Response				0.5%	0.0%
		(n=177)	(n=184)	(n=194)	(n=195)

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



	2002	2003	2004	2005
0-4	0.0%	0.0%	0.0%	0.0%
5-9	0.6%	0.5%	2.1%	1.5%
10-14	5.6%	3.8%	3.1%	4.6%
15-19	6.2%	10.9%	14.5%	10.3%
20-24	24.3%	25.0%	22.3%	20.0%
25-29	39.5%	38.6%	37.3%	36.4%
30-34	22.0%	19.6%	14.0%	21.5%
35+	1.7%	1.6%	6.7%	5.6%
	(n=177)	(n=184)	(n=193)	(n=195)

3. How old are you?



	2002	2003	2004	2005
18-22	0.0%	0.0%	0.0%	0.0%
23-27	0.6%	0.0%	2.1%	1.5%
28-32	4.0%	2.7%	2.1%	3.1%
33-37	6.8%	8.2%	8.3%	9.2%
38-42	20.9%	27.7%	23.8%	17.9%
43-47	43.5%	34.2%	36.8%	36.9%
48-52	21.5%	21.7%	20.2%	25.1%
53+	2.8%	5.4%	6.7%	6.2%
	(n=177)	(n=184)	(n=193)	(n=195)

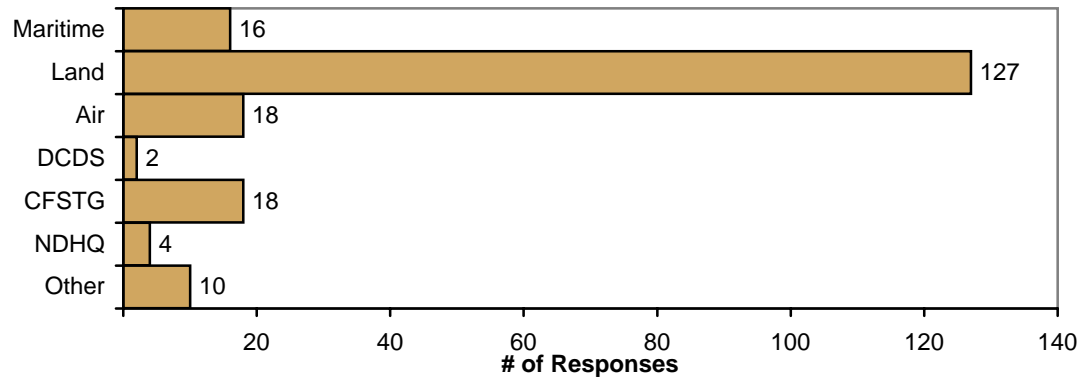
4. **Are you:**

	2002	2003	2004	2005
Male	97.7%	97.3%	97.9%	96.4%
Female	2.3%	2.7%	2.1%	3.6%
	(n=177)	(n=184)	(n=193)	(n=195)

5. **What is your first official language?**

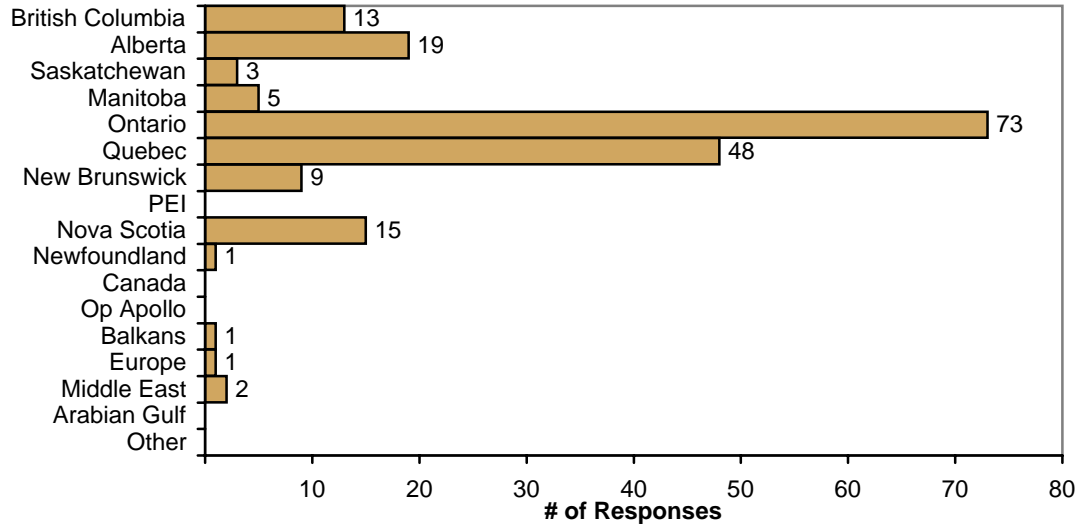
	2002	2003	2004	2005
English	68.9%	62.5%	74.6%	68.7%
French	31.1%	37.5%	25.4%	31.3%
	(n=177)	(n=184)	(n=193)	(n=195)

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



	2002	2003	2004	2005
Maritime	18.1%	13.6%	20.2%	8.2%
Land	56.5%	54.9%	51.3%	65.1%
Air	9.0%	14.7%	10.4%	9.2%
DCDS (Deployed Operations)	2.3%	2.2%	2.6%	1.0%
CFSTG (Training)	5.1%	7.6%	6.2%	9.2%
NDHQ	6.8%	2.7%	3.6%	2.1%
Other	2.3%	4.3%	5.7%	5.1%
	(n=177)	(n=184)	(n=193)	(n=195)

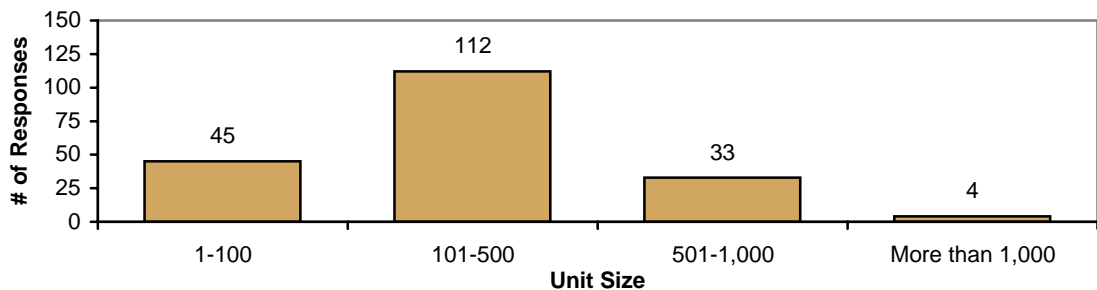
7. In what province (if in Canada), nation or area of operations (if outside Canada) is your unit currently located?



	2002	2003	2004	2005
British Columbia	8.0%	10.4%	10.9%	6.7%
Alberta	7.4%	6.6%	9.3%	9.8%
Saskatchewan	1.1%	1.1%	0.5%	1.5%
Manitoba	2.3%	2.2%	4.7%	2.6%
Ontario	30.3%	36.6%	25.9%	37.6%
Quebec	22.9%	23.0%	15.0%	24.7%
New Brunswick	10.9%	8.7%	11.4%	4.6%
PEI	0.0%	0.0%	1.0%	1.0%
Nova Scotia	6.3%	6.0%	13.0%	7.7%
Newfoundland	4.0%	1.1%	2.1%	0.5%
Canada		0.5%	0.5%	0.0%
Op Apollo	2.3%	0.5%	0.0%	0.0%
Balkans	3.4%	1.1%	3.1%	0.5%
Europe		1.6%	1.0%	0.5%
Middle East	0.6%	0.5%	1.0%	1.0%
Arabian Gulf Region & SW Asia			0.5%	1.0%
Other	0.6%	0.0%	0.0%	0.0%

(n=175) (n=183) (n=193) (n=194)

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



	Unit Size			
	2002	2003	2004	2005
1-100	24.9%	15.4%	22.8%	23.2%
101-500	58.2%	65.9%	60.6%	57.7%
501-1,000	14.1%	14.3%	13.0%	17.0%
More than 1,000	2.8%	4.4%	3.6%	2.1%
	(n=177)	(n=182)	(n=193)	(n=194)

Section 2: Process

1. Have you laid charges under the Code of Service Discipline since January 1, 2004?

	2002	2003	2004	2005
Yes	84.9%	81.1%	81.4%	82.1%
No	14.5%	18.9%	18.0%	17.9%
No Response	0.6%	0.0%	0.5%	0.0%
	(n=179)	(n=185)	(n=193)	(n=195)

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

	2002	2003	2004	2005
Authorized by CO	97.2%	96.8%	95.4%	96.9%
Of the Military Police	2.8%	2.2%	3.1%	3.1%
Assigned to Investigative duties with the NIS				
No Response	0.0%	1.1%	1.5%	0.0%
	(n=179)	(n=185)	(n=194)	(n=195)

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

	2002	2003	2004	2005
Yes	59.2%	62.2%	61.3%	56.4%
No	40.2%	37.3%	37.6%	42.6%
No Response	0.6%	0.5%	1.0%	1.0%
	(n=179)	(n=185)	(n=194)	(n=195)

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

	2004	2005
Yes	5.2%	9.7%
No	91.8%	88.7%
No Response	3.1%	1.5%
	(n=194)	(n=195)

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

	2002	2003	2004	2005
Yes	36.3%	37.3%	29.9%	27.2%
No	63.1%	61.6%	68.6%	71.8% >> Go to Q.5
No Response	0.6%	1.1%	1.5%	1.0%
	(n=179)	(n=185)	(n=194)	(n=195)

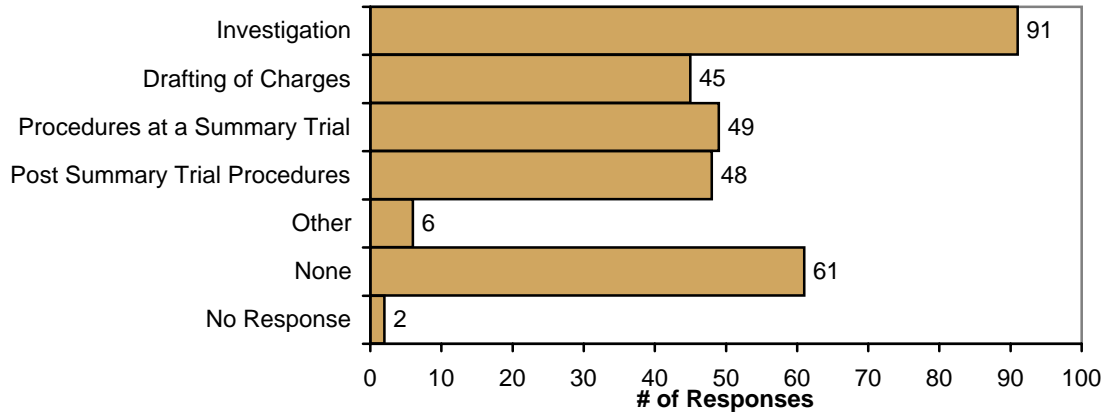
4.a) **If you answered "yes" to Question 4, please describe the training received?**

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

- 1.SLC
- 2. QL 6B
- 3. QL 7
- 2 WEEKS TRAINING AS PART OF QL 7 INF COURSE (REG) AND SLC AND 6B COURSES
- 6A, 6B, SLC, QL7's Crse
- Armour QL 6A, 7
- Armoured SSM QL7, and prior leadership courses (JLC/SNCO)
- Army Investigations
- As part of the coxn's course, we spent approximately 3 days studying the summary trial procedures
- Au niveau des disciplinaires (adj/adjum/adjuc) nous avons eu une formation
- CFSLC
- Coxn Course
- Coxn Course
- Cox'n Course MARLANT (89 & 98)
- Coxn's Crse
- Coxswain's course
- Coxswain's course (4 days of mil justice training)
refresher to mil justice training
- During the Ship's Coxn's Course
- Exposé hebdomadaire sur LDN et ORFC Vol II, entraînement des coains/adjuc base prépare à Halifax.
- Familiarization with the QR&O's on SLC and the summary trial procedure on QL7.
- Formation donnée par l'Adjuc au niveau de l'unité.
- Good speaker, good examples of various charges under the Code of Service Discipline.
The Trg did not take the candidates thru examples of the RDP, Caution Forms, or completion of investigations. Mock Trials would serve all students well as watching a film does not force a person to actually get up and do the job, nor understand the procedures involved for all other members involved in the trial.
- I am an Infantry MWO. I have received formal training on the Military Justice system through the Infantry QL7 MWO Qualifying Course
- I received trg in the Military Justice System on every Leadership Course I ever attended. In addition I instructed Military Justice at the Senior Leadership Academy in Borden for 3 years.
- ILQ training, teaches the processes from laying a charge through to the Summary Trail, 3 day of training.
- ISCC , SLC , 6B, QL7

- Leadership courses with PO's in Mil Law. Several AJAG seminars
- Military Justice as part of QL7
- MPQL3, MPQL5, MP AV, Ont Solicitor Generals course in Search Warrant Drafting
- PEMPO: DEF 002 Introduction au droit militaire.
- POCT
- POCT
- POCT
- Presiding Officer Training,
Military Justice at the Summary Trial Level
- Presiding Officer Trg
- Presiding Officer's course
- QL 7 Course covered this thoroughly
SLC Course
6A as well as Unit PD trg with several Units
- QL 7 Crse with Base JAG and both school RSM and Standards CWO of the Armour
School.
- QL 7 SSM Crse
- QL6, QL7, OJT, PD
- QL6B Infantry WO course
- QL7 Inf CSM course
- Qual niveau 7 Adjum cours sur les lois et chef d'accusations et procès par voie sommaire.
- Received training while taking QL-7 Course
- Self study on the web site awaiting the two day crse
- Senio9r Leaders Course
Infantry Sergeants Major Course (QL 7)
Infantry Platoon 2 I/C Course (QL 6B)
- SHIPS COXN COURSE
- SLC
- SLC
QL 6 B inf PI WO crse
QL 7 Inf Coy Sergeant Major Course
- throughout career courses (Armoured S/NCO course,SLC,QL 7 Armour)
- Throughout my career on Crses
i.e.: Infantry 6B and CSM crse
- TQ 7
- Unit level training by AJAG
- When I did my QL7 Crse. The trg was excellent, and thorough.

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



(n=195)

Other include the following:

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

- De l'infraction jusqu'au début du procès sommaire.
- The 'paper' process and interaction during this process with the JAG office is not what was 'taught' on the PO course. The changes in the way the JAG reviews reports and the significant time lag by the Military Police from the time of the incident to the time of the report is causing the process to loose its value. Justice (read discipline) is not being served due to this time lag. I have refused to lay many (read most) charges in the past year due to the time lag.
- All of the admin that goes on to the JAG office and back and all of the "Military Matlock" I call it, about timelines, witness statements, cautioning, etc.
- What goes through the AJAG's office, and what goes through their minds.

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	2005	
Yes	80.4%	87.0%	83.5%	83.1%	>> Go to Q.7
No	19.6%	13.0%	16.5%	15.9%	
No Response	0.0%	0.0%	0.0%	1.0%	
	(n=179)	(n=185)	(n=194)	(n=195)	

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

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

- Throughout my career I was not involved in the charge and trial process. I knew about it but was never actively a participant or spectator. Some form of "hands on" experience is required.
- Insufficient actual experience.
- Pas de formation sur la manière d'encadrer et de mener des enquêtes.
- autre que le cours d'officier président et les cours de chef subalterne et sénior, je n'ai reçu aucune autre formation relative aux lois et règlements

- Did not happen often in my element where I served and I did not have a position of command that required this until the last few years.
- If it was as simple as the 'training' makes it sound then my answer would have been Yes. But this is now a very complex balance of rights and access to info etc.
- Should be brought in earlier in the PD Training. Big learning curve late in one's career.
- No, I cannot keep up with the changes, nor with the administrative details.
- The last time I served at sea in a position where I was exposed on a regular basis to the military justice system was in 1998. On that particular ship there were very few charges laid. Since then I have had a number of staff jobs ashore where exposure to the military justice system has been almost non-existent. I may be a rare case but I don't think so.
- My career background/experience is not what is currently expected of a NCO, in the realm of discipline administration
- There is not sufficient Trg for NCMs during leadership trg. POCT is good for Officers but there needs to be a similar course directed at the NCMs before they should investigate or lay charges.
- Like presiding officer's training, I feel that there is a need to provide specific Trg outside of the DP system for those involved in the military justice system. The Trg could encompass all aspects of the military justice system ranging from investigation and laying of charges, drafting of charges, and administration procedures for laying a charge as well as summary trial procedures.
- investigation and rights of people have not necessarily been taught
- My degree is in Honours Physics. Unit Adjutants should be cut from Legal cloth not core sciences.
- As a Reservist, it is very difficult to stay current.
- Just promoted to my present rank, and am now serving a six month tour of CFS Alert on short notice (two weeks). I had planned to take course in April before coming to Alert in July like I was suppose to.
- As a Reservist we are not as exposed to the system or processes as much as a Regular Force member. We are always trying to catch up as there is never enough time to do all the necessary training.
- Focus was always on the charge report and the trial, but it's the investigation that is the most critical and where no mistakes can be made. Post trial is a grey area where reliance on the CC is just not good enough.
- This is something that you are required to do on an infrequent basis. It can be done by going back to the books and consulting the AJAG but not something that you feel comfortable with right away.
- Things change over time,, tough to tell if I am current. Regiments do things differently,, I was trained on Summary Trial procedures by the Regiment,, more than by the CF,,
- coxswains course in 1997 was first exposure to mil justice. I was CPO2 at the time but do not recall it being a topic on any formal course up to that point.
- Due to inexperienced Officer's appointed to the Adjt position, post trial procedures have been inadequately conducted at this Unit. Supplemented training provided to experienced Sr NCOs to include these actions would have remedied the situation earlier.
- Not enough practice
- I haven't received formal trg but am scheduled for POCT

- Pas assez d'emphase sur le processus d'enquête surtout au niveau des questions à poser, des approches à prendre avec le présumé accusé et les différents témoins
- More formal trg should be offered to outline ea job (i.e. investigator, assisting offr etc) and the proper sequence of events from wrongful behaviour to post trial admin.
- No real opportunities. Previous job position.
- Étant d'un environnement de l'air, les accusation sont très peu fréquente et aucune formation autre que sur le SLC ne n'a prépare. J'ai été chanceux d'avoir un cours comme enquêteur en harcèlement font qui m'a prépare a faire les enquête correctement.
- Ce fut la première fois en 25 ans que j'étais autoriser a cette fonction donc du nouveau vous devez apprendre de nouvelle connaissance et les appliquer.

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	2005
6A	35.8%	31.9%	33.5%	36.4%
6B	14.5%	15.7%	10.3%	17.4%
SLC	38.5%	35.1%	43.8%	30.8%
Other	9.5%	16.2%	5.7%	12.3%
No Response	1.7%	1.1%	6.7%	3.1%
	(n=179)	(n=185)	(n=194)	(n=195)

Comments:

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

Q.7	Comment
6A	<ul style="list-style-type: none"> ● General Investigation Techniques Course for MP NCM ● Rank of Petty Officer Second Class / Sgt ● Should be refreshed on each leadership course with the next level the candidate will be dealing with ● Par contre au rang de sgt nous devrions placer les sgt a tour de rôle avec soit le SMR ou SMC et les faire passer a travers toute les procédures sur un cas de discipline réel de son unité afin de les placer dans le contexte rapidement leurs carrières.
6B	<ul style="list-style-type: none"> ● Starting at 6A and progressing on future courses, 6B, SLC ● OJT in the unit must be conducted under the supervision of the Unit MWO ● At the 6A level, NCMs should be introduced to investigating a charge as they are the first point of contact when offences are committed. As well they need to be taught their role in the enforcement of CSD.
SLC	<ul style="list-style-type: none"> ● Idéalement au niveau NQ7 ● Review again the process of charging at QL7 ● New CPO2 crs
Other	<ul style="list-style-type: none"> ● At the ranks of Sgt ● PLQ ● PLQ ● PLQ ● PLQ ● PLQ ● On promotion to Sergeant.

- Involvement in military justice procedures should be taught throughout all states of the military career.
- Le cours d'Adj et Adjum
- Starting at DP3
- 5B or as soon as employed within the NIS
- 5B MCpl Level should understand the process
- SPECIALTY TRAINING AS REQUIRED
- PLQ IS WHEN TRAINING SHOULD START AND BE REINFORCED ON EACH SUBSEQUENT LEADERSHIP COURSE.
- MS/MCPL
- PLQ, ILQ
- DP3A
- During all leadership Training
- A separate course run in conjunction with presiding officers training.
- N/A
- PLQ would enhance the junior leader and make them aware of the procedure
- No idea
- All levels should go over it in different details
- SMC/Adjum
- Au niveau de CPCC pour une intro à la loi Militaire. Formation professionnelle en plus si la personne doit le faire dans S&S fonctions.

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>	<u>2005</u>
BOTC	29.9%	26.2%
Occupational Training	43.8%	41.5%
Other	18.0%	20.0%
No Response	8.2%	12.3%
	(n=194)	(n=195)

Other (specify):

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

- Capt
- Suite à la promotion à capt.
- End of OT for those who will be in a position that requires it and sometime during the first posting for the rest.
- Make it a specific 'field' level course like PO.
- I do not agree with officers laying charges. This is the role of the CSM and the RSM
- At the same time as presiding officer training
- AFTER HE HAS SPENT HIS TIM AS A PLATOON LEADER
- VERY SELDOM DONE
- Appt as an Adjt
- POTC During DP2

- Course should be taken at the Rank of Capt similar to the NCM version of a POCT dealing with investigating and laying of charges. As Lts, it should be mandatory to attend an Assisting Officer Crse. Most soldiers have little faith that the young officers know enough about the MJS
- Just prior to being posted to a unit.
- Should be taught in conjunction with the Administrative Procedures i.e. C&P, Recorded warnings
- Not required. The soldier laying the charge should in normal circumstances be an NCM within the accused chain of command
- A separate course for first tour officers
- After completion of occupational trg as OJT with first unit. There is a large tendency to perform self-admixture brain dumps whenever a phase of training is completed.
- Adjutant should be a Trade all on its own. It is so specialized and unique that the Forces would be well served to create this trade and fill it with Legal/Admin professionals. As it is, filling the position with other trades is inefficient and prone to great errors.
- Staff course
- First level of staff duty training
- As a junior office / newly promoted Lt(N)
- Prior to assuming any position of OC (Coy or Sqn level) and have a better knowledge about service people.
- Charges should be laid by NCMs
- At the rank of Capt
- AT THE UNIT
- Dans la deuxième année au grade de lieutenant - pourrait être donnée à l'interne de chaque unité
- On first posting. During their development as officer and in learning their trade they are fed with a fire hose. better retention would be achieved on their first posting.
- Not until they are a Major.
- SEPARATE TRG AFTER COMPLETION OF OCC TRG
- Never, they want to charge everyone for everything, all the time!!
- Specialized Training upon appointment to charge laying position
- Une fois la formation du GPM terminée
- Within first year of svc after completing MOC trg, as he/she will most likely have to act as an assisting Offr for one of their subordinates.
- Post Occupation Training
- On arrival at the unit
- Before they reach the rank of Capt
- As a Junior Captain or Senior Lt.
- Avant d'être officier délégué
- Presiding Officer Course
- NA

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

	2002	2003	2004	2005
Yes	83.8%	88.1%	89.2%	89.7%
No	16.2%	11.9%	10.8%	9.7% >> Go to Q.9
No Response	0.0%	0.0%	0.0%	0.5%
	(n=179)	(n=185)	(n=194)	(n=195)

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.]

- 1.QR&O VOL 2 TO INCLUDE CAUTIONS AND REPORTS
- A JAG Officer or the CWO in the Regional JAG office
QR&O
B-GG-005-027/AF-011
- b-gg-005-027/AF-001,
ORFC vol 2
- B-GG-005-027/AF-011
- B-GG-005-027/AF-011
- B-GG-005-027/AF-011
CFAO's
A-LG-050-000/AF-001
- B-GG-005-027/AF-011
MILITARY JUSTICE at the SUMMARY TRIAL LEVEL
- B-GG-005-027/AF-011
ORFC
- B-GG-005-027/AF-011 ORFC
- Brochure, Investigation and charging process
- CCC
QR&Os
- Ce qui se trouve sur Internet et le manuel d'instruction d'officier président.
- CFAO
ORFC
- CFAO-DAOD-QR&O
B-GG-005-027/AF-011 Military Justice at the Summary Trial Level.
- CFAO's and the Military Justice at the Summary Trial level reference book from the course.
- CFAO's, QR&O's and the Presiding Officer Training Manual
- CFAO'S, QR&O'S, PRESIDING OFFICERS MANUAL.
- Criminal Code
NDA
Gibsons
- DAOD, QR&O's
- DIN
- DIN
- Guide pénal militaire

- I call upon the experience, expertise and advise of the local AJAG pers/office, Presiding Officers Adie Memoire, Presiding Officer certification training book/manual, Course Adie Memoires, Guide to the Accused & Assisting Officer, QR&O, CFAOs
- I had my Aadjt speak with the DJA and brief me accordingly.
- In addition to existing policy and procedures, avail for use is AJAG CWO and BCWO
- Intranet JAG website
 - Presiding Officer Training Manual
- Jag , QR&Os , Other Unit Chiefs, AJAG Chief
- JAG website
 - QR&Os
 - 6B course material
- JAG Website
 - QR&O's
 - CFAO's
- Le manuel du cours, les ORFC et les aide-mémoires / guides affichés sur le site web du JAG
- Le site Internet du JAG
- Les ORFC;
 - Le B-GG-005-027/AF-011 - Justice militaire au procès sommaire; et
 - Les avocats militaires.
- Livre procès par voie sommaire et le guide des officiers désignés
- Many Aide Memoirs from AJAG and offical pubs QR&Os, CFAO, DAODs etc
- materials gathered during POCT
- MILITARY JUSTICE AT SUMMARY TRIAL LEVEL
 - QR&O, CFAO
- Military Justice at the Summary Trial Level
- Military Justice at the Summary Trial Level Version 2.0 book and QR&Os
- Military Justice at the Summary Trial Level, CFAO/DAOD and Q R & Os
- Military Justice at the Summary Trial Level, Guide for the Accused and Assisting Officer
- -Military Justice at the Summary Trial Level, Version 2.0
 - QR&O Vol 2
- Military Justice at the Summary trial Level.
 - QR&O's
- MILITARY JUSTICE AT THE SUMMARY TRIAL LEVEL. VER 2.0
 - JAG WEB SITE, QR&OS
- Military Justice at the Summary Trial Level; QR&Os; CFAOs; The Code Of Service Discipline And Me; Investigation and Charging Process in the Military Justice System;
- Military justice at the summary trial manual QR&O IOB
- Military Justice at the Summary Trial V2.0
- NDA
- NDA
 - QR&O Vol II
 - Criminal Code
- NDA
 - Refs on JAG Site
- No longer use
- OAFc,ORFC, Livre de l'Officier désigné pour aider l'accusé.

- On line QR&O, CFAO. Take home pkg from presiding offr crse
- On-line references
 - JAG Resources
- On-line resources (QR&O)
- OR&O
 - CFAO
 - DAOD
- ORFC
- ORFC 101, 103, 106,107, 108. LDN. Livre de l'officier président.
- ORFC et Site JAG
- ORFC vol 2 et Justice militaire au procès sommaire
- ORFC Vol I, II
 - Guide à l'intention des accusés et des officiers désignés pour les aider.
- ORFC
 - B-GG-005-027/AF-011
- ORFC
 - B-GG-005-027/AF-011
 - O AFC
- ORFC
 - Military Justice at the Summary Trial Level
- ORFC/OAFC
- Pocket Criminal Code of Canada
 - DAODs,QR&Os, CFAOs
 - Guide for Accused and Assisting Officers
 - Presiding Officers Book
 - Drug & Alcohol Policy
 - Harassment Policy
 - Redress of Grievance Policy
- POCT Crse Package, QR&O online
- POCT Material
- Presiding Officer book, QR&O's
- Presiding Officer Course Book
- Presiding Officer Hand book, QR&O's.
- Presiding Officer package, QR & O's.
- Publications
- QR & O's and pamphlet the INVESTIGATION and CHARGING process in the MILITARY JUSTICE SYSTEM
- QPNO, A-LG-050-000/AF-001, Justice Militaire au procès pas voie sommaire.
- QPRO DAOD/CFAO Summary trial handbook
- QR & O
- QR & O Vol 2
 - Presiding Officers Handbook
- QR & O Vol 3 - Discipline
- QR & O's
- QR & O's, CFAO and Presiding Officer's Handbook
- QR O's and the Presiding Officer's crse/book.

- QR& O's , LFAAD's, Elements of the offence, Presiding Officer's handbook
- QR&O
- QR&O
- QR&O
- QR&O
- QR&O
- QR&O
- QR&O Book 2
 - BBSAI's
 - Unit SOP's
 - DAOD's
- QR&O electronically, example RDPs from the DJAG.
- QR&O Vol II
- QR&O Vol II and the hand book
- QR&O Volumes
 - Presiding Officers work book and notes
- QR&O
 - Aide-mémoire
 - Military justice at the Summary Trial level
- QR&O
 - CFAO
 - DAODS
- QR&O
 - CFAO
- QR&O
 - UNIT SOP
 - Office of the DJA
- QR&O, Military Justice at the summary trial level,
- QR&O, DAOD, CFAO, CF Security Orders, and unit Standing Orders
- QR&O, DAODE, CFAO and discussion with CWO assisting JAG.
- QR&O, LFAAD 5.1.9, JAG's advise etc
- QR&O, NDA, Elements of the offence (JAG guidebook),
- QR&O, NDA, Military Justice Manual
- QR&O, POTC material
- QR&O, Presiding O book, Coxn crs material and notes
- QR&Os
- QR&Os
- QR&Os
- QR&O's
- QR&O's
- QR&O's
- QR&O's Computer/Hard copy
 - CFAO's Computer/ Hard Copy
 - AJAG Site
- QR&O's /CFAO's /Guide for accused and assisting officers/
- QR&Os CFAO DJAG web site and guide for accused and assisting officers

- QR&O's Chapter 105,106,107.
- QR&Os Vol 1, 2, and 3
- QR&Os
CFAOs
- QR&Os
CFAOs
DAODs
Presiding Officers Hand Book
- QR&O's
Military Justice at the Summary Trial Level.
AJAG Web Site
- QR&Os, AJAG
- QR&O's, CFAO's
- QR&O's, CFAO's, Aide-mémoire
- QR&O's, CFAO's, Military Justice at the Summary Trial Level Version 2.0
- QR&Os, Guide to assisting Officer, JAG website, course handouts, Marpac AJAG officers and CPO1 and Marpac Fleet Chief are excellent resources as well
- QR&Os, Mil Justice at the Summary Trial level, JAG and CMJ websites
- QR&Os, Military Justice at the Summary Trial Level
- QR&O's/CFAOs/etc
- QR&Os
CFAO
- QR&Os; CFAOs; etc.
- Regional AJAG office
ADMIN O
- Squadron MAPs,QR&O and CFAOs.
- Summary Trial Aide Memoire
- Summary Trial handbook "IS THE BIBLE"
- The comprehensive guides given by local AJAG office, AJAG CWO are an excellent source of knowledge and guidance.
- The DIN
- The handbook given out on my POCT
- The Investigation and Charging process in the Military Justice System and The Code of Service Discipline and Me as well as QR&O
- The Military Justice Manual and the QR&Os.
- Unit SOP
NDSP Chapter 28
QR&O
CFAO

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

	2002	2003	2004	2005	
Yes	89.4%				>> Go to Q.9.b
No	8.4%				
Always		72.4%	70.6%	70.3%	>> Go to Q.9.b
Sometimes		24.9%	26.8%	23.6%	>> Go to Q.9.b
Never		2.7%	2.6%	4.6%	
No Response	2.2%	0.0%	0.0%	1.5%	
	(n=179)	(n=185)	(n=194)	(n=195)	

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

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

- Unit doesn't have one, all charges are referred to AJAG
- Haven't yet laid a charge, however were I to I would obtain legal advice prior to.
- I consult JAG instead.
- I use the DJAG's office for charge review before laying charges. Having face to face time with the DJAG or his appointed pers saves valuable time.
- Jamais eu l'occasion de porter des accusations
- There wasn't one in our unit, the RSM sent the Charge Report to the AJAG on base
- We go through our regimental Adjutant
- We send the RDPs to the RSM. He is not the unit Legal Officer, but he takes them to the DJAG for advice. He also allows direct contact with the CWO at the local DJAG Office.

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	2005	
Always	67.6%	67.0%	66.0%	60.0%	
Sometimes	27.4%	30.8%	30.4%	34.4%	
Never	0.0%	0.0%	1.5%	1.5%	
N/A (Never sought legal advice)	4.5%	2.2%	1.0%	3.6%	>> Go to Q.10
No Response	0.6%	0.0%	1.0%	0.5%	
	(n=179)	(n=185)	(n=194)	(n=195)	

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

	2002	2003	2004	2005
Almost Always	75.9%	77.3%	76.8%	77.0%
Sometimes	22.4%	19.9%	22.1%	20.9%
Almost Never	0.0%	0.0%	1.1%	1.1%
No Response	1.8%	2.8%	0.0%	1.1%
	(n=170)	(n=181)	(n=190)	(n=187)

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

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

- I FIND THAT THE MILITARY LAWYERS ASSIGNED TO LFWA GO OUT OF THEIR WAY TO FIND EXCUSES NOT TO PROCEED WITH CHARGES.
- They require more basic Military Experience, perhaps spending time with units
- 1. Identify pre-charge screening criteria and adhere to them.
2. Be willing to accept more risk
- A set standard for all of them, most times if you ask 3 different advisors the same question you will get 3 different opinions as to if they feel a charge is warranted. As well as some times they tend to try and push there opinion on you rather than just advise.
- Actuellement je me sens très bien supporter par l'aide que j'ai ici à Valcartier
- Again as Reservists we rely on a lawyer within our Brigade who is usually a class A reservist as well.
- AJAG's are like psychiatrists, ask the same question to 10 of them and you'll get 10 different opinions.
- ALWAYS MORE FLEXIBILITY
- Always be available - impossible
- As current level of assistance is more than satisfactory, there is no further help required from this source.
- Assistance from the unit legal advisor is in a timely manner. DJAG office who review charges is ponderous and very inadequate in dealing with French charges. There is a requirement to cut down the time it is at the DJAG office.
Civilian lawyers who cross over to the CF and don a uniform have no concept of what it is like to be a soldier. A form of indoctrination has to be done in a unit environment.
- Assistance is adequate
- Aucune, il fait du très bon travail.
- Be available when required
- Be better educated in the area of Mil Law. many Junior Officers hold the Legal Advisor position - yet lack experience in this area.
- Be more available. They are located on a different base and often hard to contact / get assistance because of their being not co-located.
- Be more available. Reserve legal advisors are overworked and understaffed
- Be more easily accessible
- Be more prompt in replying to questions and reviewing RDP
- Be more responsive, they are very hard to contact and they take forever to get back to you.
- Being quicker on their decisions. The process is way too slow.
- Better training and understanding of civilian laws
- Bonne aide présentateur.
- By being co-located
- By explaining in a little more detail, and in layman's terms not lawyer terms.
- By explaining more the intent of orders and precise ways to proceed. They sometimes tend to quote the orders which leaves me with the same dilemma.
- Cette année nous avons été entièrement satisfaits des services/conseils rendus.
- Co-location would be an asset.
- D'avoir un rôle de procureur et moins un rôle d'avocat de la défense

- De continuer comme présentement, s'il y a des cas spécifiques que l'on ne voit pas souvent, j'intensifie mes recherches à ce moment là.
- Dépendamment à qui nous parlons, jeune AJAG ou AJAG plus expérimenté, jeune Capt, Adj ou Capt plus expérimenté, les réponses à nos questions diffèrent.
- Développement de nouvelles ressources
- Does a great job now, perhaps a bit more timely
- Don't assume everyone should understand this legal system and QR&O's
- En ayant la même réponse d'un avocat à l'autre
- En donnant une réponse plus rapide, ce qui nous permet de faire le procès dans de meilleurs délais.
- En énonçant les faits, les règlements spécifiques, les lois qui s'appliquent, les éléments de preuves à démontrer lors du procès et laisser leur interprétation personnelle, qui est différente d'un avocat à l'autre, de côté.
- En fournissant plus de sessions d'entraînement aux superviseurs séniors (sous-officier)
- Être plus rapide.
Il me semble que les aviseurs font preuve d'évitement lorsque les accusations sont éligibles à une cour martiale.
- Explanations need to be more readily understandable. LegAd needs better understanding of units requirements in terms of discipline.
- Faster response time. Average is OK but some cases drag on, normally when the only AJGA on base is away.
- Faster service
Provide a checklist of all the steps.
- Generally I have been very satisfied with the level of legal sp/advice I have recv.
- Having a clearer indication of who he or she is dealing with. Don't assume that every member authorized to lay charges fails to understand the process by which that takes place and their responsibilities as it relates to Military Justice.
- He is just doing a wonderful job - I cannot see what else he could do to assist us better.
- I believe that having a CWO legal advisor with a focus on ONLY legal matters is the best way to ensure that the accused rights are considered and disciplinary matters are handled for the benefit to all in the unit.
- I find that I rarely deal with charges so I am relearning most of the procedure every time I do one. I have to ask the AJAG to dumb down some of the explanations until I get back into it.
- I have always been given good advise/guidance. The system does need to be faster. Some times if the legal advice is not readily available the process can be held up for too long. Especially when dealing with minor charges. Question 9e Most of the time.
- I have found that most of them seem "afraid" to make a decision when it comes to the laying of charges. Most RMPs want the entire case handed to them on a platter before they will proceed and this causes extra stresses on investigators. Also, there seems to be a real lack of up to date information available. There have been no steps taken, or at least it seems so, to update the legal sections of our pubs and to bring them in line with what is really going on in the legal system, civilian or military.
- I have never had a problem. Keep up the current support.

- I personally find that the advise given are clear, and concise. The point I want to make is that when I go see the legal advisor, I make sure that I know exactly what I want to talk to him about, and that I have my questions written down. That way it's a win win situation; where questions are to the point, and thorough, and by the same token answers received are exact, and informative. I would further add that all legal advisors I've dealt with, go out of their way to help you, and they are more than happy to see you. Chapeau, job well done.
- I previously asked our unit legal advisor to come to the station and explain the justice system to our troops. All we need to do is choose a date.
- I was totally satisfied with the assistance I received.
- Ici à Valcartier je ne crois pas qu'il est possible de faire mieux
- If he/she had any real clue as to how a soldier thinks and what motivates his actions it would be helpful instead of the sanctimonious crap I get most of the time when I do my mandatory consulting with the lawyers. I'd rather follow the advice of the CWOs in the AJAG offices. As far as I am concerned, if you haven't served in the combat arms you have no business being in the JAG advising the pointy end of the stick on how to dispense military justice. The rest are just lawyers in uniform.
- Il devrait nous expliquer les façons les plus simples pour accomplir notre tâches et ce sous forme de formation régulière.
- Il est très difficile à rejoindre, effectif trop petit
- Il me donne toujours les conseils selon ma question. Je suis extrêmement satisfait des réponses que je reçois.
- Il nous donne déjà de la formation chaque semaine et discute des cas de la semaine précédente. De plus, il nous con soir dans la rédaction des IPO pour vous permettre d'appliquer les chefs d'accusation.
- It would be appreciated if the legal advise from the JAG would come back faster as it is taking too long to get the CF78 back when disciplinary action are taken.
- Ma formation en droit et enquête devrait être développé. Ex: Cours sur comment mener une enquête disciplinaire adéquatement. Je travaille présentement au sein d'une formation de réservistes, le support des avocats réservistes n'est pas adéquate, manque de disponibilité et délais de traitement beaucoup trop long. J'ai déjà mentionné le point l'an dernier lors d'un sondage semblable. Il faut des JAG rég disponibles en tous temps.
- Maj XXXXXX has always been first rate. Always takes the time to explain any issues I may be uncomfortable with.
- Marpac AJG provides excellent pre-charge and pre-trial matrices that clearly summarize elements of charge that need to be met, witnesses, evidence, etc. Improvements can always be made but their service is excellent.
- Mbr could have a military background so that he/she understands what the Armed Forces do and what discipline really is.
- More access to Reserve Legal Officers
- MORE PROMPT IN RESPONSE
- More timely response to requests for legal advice. From time MPIR is sent to CFB Edmonton to time advice was received exceeded 4 weeks.
- More timely responses in their recommendations as disciplinary action is only as effective as the amount of time it takes to met it out.
- My legal advisor is a great help and we get along outstandingly.
- NA

- Needs to expedite reviews, but first the MP reports have to get to the JAG
 - No complaints at this time.
 - No improvement required
 - not sure
 - Not sure as the service has not been needed much so far.
 - Nous avons un excellent officier qui nous aide dans ce domaine.
 - Now that a CWO JAG Rep is stationed in Petawawa with the JAG Office things are working very well.
 - Pay attention
 - Perhaps explanations with examples
 - Plus de conseillers disponibles
 - Provide clearer legal opinions on investigation reports
 - Provide info on determining questions and note keeping during the investigation phase.
 - Provide units with more information on issuing Cautions (PD Trg), and remain consistent with simple issues on the RDP in regards to Capitalization, abbreviations....on group in the DJAG office expects one standard, come posting season, the new staff expects something else. Give the members the standard and they will stick to it.
 - Quit driving themselves on the assumption of charges being worse than Admin action. It is truly the admin action that is worse.
 - Review/Process the RDP in an expeditious manner.
 - Satisfied with the current working relationship
 - Serve in a unit with the troops he/she advises us on to better know the troops and what makes them tick. (And what we can do to keep them ticking in the right direction.
 - She is excellent...friendly yet firm.
 - Should be easier to reach at the Brigade level
 - Sometimes it is best to explain in layman terms.
 - Speak in terms that a person could understand him/her.
 - SPEED UP RESPONSE TIME
 - speed up the process. We sometimes have pers scheduled to leave the unit before the charge review is returned from the AJAG office. This forces us to keep the defendant on base after his/her departure date to await the trial. Assistance requests that involve a "soon to be departing" person should take priority over pers who are expected to be remaining on base for a long period of time.
- The answer to the next question is normally yes, but sometimes...as I stated above.
- Stop changing the sentences in the CF78 that are written in accordance with the QR&O's in order to suit his own preferences.
 - Talk in layman terms.
 - There should be more legal Advisors made available on the Larger Bases.
 - They can't, its my responsibility to ask the appropriate questions, and continue to do so until I'm satisfied.
 - They do a great job. No issues.
 - Time to respond was slow once charges were drafted
 - UNDERSTAND THE PURPOSE OF DISCIPLINE IN THE CF
BECOME MORE AWARE OF WHAT SERVICE PEOPLE DO
 - Une révision annule des procédures à suivre avec beaucoup d'exemples.

- Venir nous parlez lors d'une rencontre une fois par mois.
- Very good support; so far no complaint
- Un peu plus d'expérience militaire est requise, c'est une chose de connaître la loi mais il faut connaître l'organisation!!!!

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

	2002	2003	2004	2005
Yes	73.7%	78.4%	82.0%	79.0%
No	19.0%	16.2%	15.5%	16.4%
No Response	7.3%	5.4%	2.6%	4.6%
	(n=179)	(n=185)	(n=194)	(n=195)

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

	2002
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?**

	2002	2003	2004	2005
Yes	93.3%	89.2%	89.7%	90.8% >> Go to Q.11
No	6.1%	9.7%	9.8%	6.7%
No Response	0.6%	1.1%	0.5%	2.6%
	(n=179)	(n=185)	(n=194)	(n=195)

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

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

- Le document est facile à suivre. Mais le format électroniques est difficiles à adapter/corriger. Ce document devrait inclure le format de présentation des documents fournis tel que exigé par l'article 108.15 des ORFC. Au lieu de cocher une case dans la partie 1, une signature devrait confirmer la remise des documents.
- Sometimes confusing with respect of which charges and language to use.
- Confusing
- I was never taught how to fill out an RDP properly, therefore I made simple mistakes.
- **QUITE OFTEN THE FORMAT DOES NOT WORK**
- The process could be simplified by creating some sort of appearance mechanism to compel appearance for fingerprinting and to set conditions while awaiting trial. The CF 78 could then be used as the "information" swearing the charges before the tribunal. The current system may work well for CO laying charges but does not work well for CFNIS. For example if a CFNIS investigator lays a charge relating to a sexual assault there is no method (outside custody review) to impose conditions and compel accused to be photographed and fingerprinted.

- There are several versions of the pro-forma available on the DIN. But it is not available from the JAG site (last time I checked). Other than that it is a straight forward document
- The automatic formatting is out of control. The file locked up, crashed Word, and then ended up corrupted. I had to redo the file. Just tone down the formatting...it doesn't have to be idiot proof.
- RDP requires more then one document (e.g.. RDP and then another document about evidence given to the accused/to be presented, etc... - this should all be contained in one document, not 2 or 3
- I like to use the one provided electronically, the fill in the blank one....but it seems the fonts it uses is not satisfactory to some of the folks at my unit or higher...maybe we can get that small detail sorted out!!?
- There is too much ambiguity in the wording of military charges to make them easy to use. I feel we have tried to encompass too many offence types with too few charges and that creates a situation where things have to be reviewed to death before a charge can be laid. For example, NIS investigators can charge someone under the civilian system at the time they feel an offence has been committed but under the military system it can take months to get a charge laid because things have to be reviewed all the way up the chain. This review process causes the accused to have to wait with a cloud over them till they are formally charged and if there are conditions placed on them after any initial arrest for the offence they are effectively being "punished" for a number of months before they are even formally charged. At least with a civilian offence, if bail conditions are imposed, it's because the charge has been actually laid at the time of arrest.
- My training and experience somewhat outweighs the ULO.

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

	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
Almost Always	14.0%	12.4%	19.6%	18.5%
Sometimes	64.8%	71.9%	63.4%	60.0%
Almost Never	19.6%	15.7%	16.0%	20.0%
No Response	1.7%	0.0%	1.0%	1.5%
	(n=179)	(n=185)	(n=194)	(n=195)