

**Defense Advisory Committee on Investigation, Prosecution, and
Defense of Sexual Assault in the Armed Forces (DAC-IPAD)**

Request for Information from Service JAG Corps

RFI Set 10, Questions 1-2

Date of Request: September 18, 2018

I. Purpose

- A. The DAC-IPAD is a federal advisory committee established by the Secretary of Defense pursuant to section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), as amended.
- B. The mission of the Committee is to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces.
- C. The DAC-IPAD requests the below information to facilitate its required review of cases involving allegations of sexual misconduct on an ongoing basis for purposes of providing advice to the Secretary of Defense.

II. Summary of Requested Response Dates

Suspense	Question(s)	Proponent
15 Oct 18	1a	Services – Provide list of cases meeting RFI criteria to the DAC-IPAD using the format in Attachment 1.
15 Oct 18	1b	Services – Provide narrative description identifying specific database(s) utilized and the steps necessary, including search terms/variables, to create the list of cases meeting RFI criteria.
15 Nov 18	2	Services – Provide case documents for all cases to the DAC-IPAD via secure electronic file transfer. If an electronic record of trial (e-ROT) is available, the DAC-IPAD staff will obtain the desired documents from the e-ROT's received.

III. Court-Martial Cases Completed in Fiscal Year 2018 (FY18)

The DAC-IPAD requests case documents for all adult-victim sexual assault cases completed by the Military Services in FY18 that involved a preferred charge of sexual assault. The DAC-IPAD seeks all preferred sexual assault cases that were resolved in FY18 at court-martial or through alternate means, regardless of whether the case was reported as a SAPR or FAP case.

The DAC-IPAD requests the Services provide this information in two phases:

1. *Identify the cases by case name (e.g., US v. John Doe); and*
2. *Provide the documents for each of the cases identified in RFI Question 1a.*

Question 1a / Identification of Cases: The DAC-IPAD requests the military Services use the information from the Services' case management systems, to identify ALL cases that

involve a preferred charge of adult sexual assault and were tried to completion,* dismissed, or resolved by any alternate means in fiscal year 2018.

*A “completed” case means any case tried to verdict, dismissed without further action, or dismissed and then resolved by non-judicial or administrative proceedings in FY18. This list includes cases in which a convening authority has taken, or has yet to take, action in FY18.

Question 1b / Methodology: Provide a narrative description identifying specific database(s) accessed and the individual steps necessary, including search terms/variables, to create the list of cases meeting RFI criteria identified in Question 1a.

Please provide completed list and narrative to the DAC-IPAD by October 15, 2018.

Question 2 / Court-Martial Records: For cases identified in Question 1a and Attachment 1, provide copies of the following documents (alternatively, you can provide the e-ROTs for these cases and the DAC-IPAD staff can extract the required documents). *If your Service does not use the specified DD form, please provide Service-equivalent documents:*

1. DD Form 458, *Charge Sheet*
2. DD Form 457, *Preliminary Hearing Officer’s Report* (include all continuation sheets, but do not include IO exhibits)
3. Article 34 Pretrial Advice and/or SJA recommendations on alternate disposition
4. If applicable, any document memorializing the Convening Authority’s referral or non-referral decision
5. DD Form 490, *Record of Trial*
6. DD Form 491, *Summarized Record of Trial*
7. DD Form 2707-1, *Report of Result of Trial*
8. Pretrial Agreements (include both the Offer and Appendix A – Quantum)
9. Master Index of Exhibits
10. SJAR and Addendum
11. Convening Authority Action
12. Victims’ input at pretrial, trial, and post-trial stages

For cases where court-martial charges were dismissed but were followed by nonjudicial punishment (NJP) action or resignation/discharge in lieu of trial, please provide the discharge approval document and either the NJP form or the following information:

1. All charges and specifications listed on the NJP form
2. All guilty specifications at NJP

Please provide case documents to the DAC-IPAD by November 15, 2018.

ATTACHMENT 1 – Service Responses to DAC-IPAD RFI Set 10, Question 1a

[Military Service] – FY18:

Case Name	Location of Requested Documents
<i>U.S. v.</i>	(Example: Installation, CCA, Suitland...)
<i>U.S. v.</i>	
<i>U.S. v.</i>	