

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

Request for Information from DoD SAPRO and Service JAG Corps

RFI Set 1, Questions 1–3

Date of Request: June 20, 2017

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 |
|------------------|-------------|---|
| 21 Jul 17 | 1 | DoD SAPRO – Provide DSAID information to each military Service. |
| 11 Aug 17 | 2 | Services – Provide list of cases meeting RFI criteria to the DAC-IPAD using the format in Attachment 1. |
| 22 Sep 17 | 3 | 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 2016 (FY 16)

The DAC-IPAD requests case documents for all adult-victim sexual assault cases completed by the military Services in FY 16 that involved a preferred charge of sexual assault (the same criteria as in previous RFIs from the Judicial Proceedings Panel for FY12-14 and FY15 cases). This request is not limited to cases listed in the Annual Report on Sexual Assault in the Military (SAPRO Report). The DAC-IPAD seeks all preferred sexual assault cases that were resolved in FY 16 at court-martial or through alternate means, regardless of whether the case was reported in the FY 16 SAPRO Report or was categorized at any point as a Family Advocacy Program 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, if the case was reported in the Services' Unrestricted Report Case Synopses enclosed with the FY 16 DoD SAPRO Report, provide the line number as identified in the SAPRO Report; and*
- 2. Provide the documents requested in RFI Question 3 for every identified case.*

Question 1 (*DoD SAPRO and Services*): The DAC-IPAD requests the DoD Sexual Assault Prevention and Response Office (DoD SAPRO) assist the Services in identifying cases listed in each Service Enclosure ("Unrestricted Report Case Synopses") to the FY16 SAPRO Report.

The DAC-IPAD requests DoD SAPRO provide the military Services with a copy of the unique DSAID Number and Subject Name for cases listed as involving at least one preferred charge of sexual assault, according to the military Services' Unrestricted Report Case Synopses in the FY16 SAPRO report.

Please provide a completed list to the military Services by July 21, 2017

Question 2 (*Services*): **Identification of Cases** -The DAC-IPAD requests the military Services use the information from the Defense Sexual Assault Incident Database (DSAID), provided by DoD SAPRO in response to Question 1, and 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 2016.

*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 FY16. This list includes cases in which a convening authority has taken, or has yet to take, action in FY16. Request the Services provide a copy of the Convening Authority Action once complete.

Please provide a completed list to the DAC-IPAD by August 11, 2017

Question 3 (*Services*): **Court-Martial Records** - For cases identified in Question 2 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 specifications listed on the NJP form
2. All guilty specifications at NJP

Please provide case documents to the DAC-IPAD by September 22, 2017

ATTACHMENT 1 – Service Responses to DAC-IPAD RFI Set 1, Question 2

[Military Service] – FY16:

| Case Number | Case Name | Location of Requested Documents |
|--|------------------|---|
| (Example) 1 <i>(Line No. in SAPRO Case Synopsis Report)</i> | <i>US v.</i> | (Example: Installation, CCA, Suitland...) |
| 12 | <i>U.S. v.</i> | |
| 27 | <i>U.S. v.</i> | |
| 651* <i>(Please continue a numerical sequence for cases not listed in the SAPRO report, with an asterisk)</i> | <i>US v.</i> | |