Criminal Justice Process

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Code 20, JAGC
9 Aug 18
Progress of Investigations

Alleged UCMJ violation incident

RCM 301

Investigation

RCM 303

CA’s Options

RCM 306

NJP

Dismiss

Prefer Charges to Court-Martial

GCM Offenses – Article 32

Refer to GCM or SPCM or NJP

Refer to SPCM

Administrative and/or Non-Punitive Measures (NPMs)

ADSEP Board

MPM or MCSM
Case Screening

- RLSOs (USN) and LSSS/LSSTs (USMC) provide case screenings for all types of investigations and offenses

- Prosecutors (trial counsel) will review the case for prosecutorial merit

- Once the case screening is complete, the prosecutor will provide the command with a prosecutorial merits memo/review with recommended charges and disposition
Initial Disposition Authority

- Who is the SAIDA?
  - SPCMCA or GCMCA and
  - O-6 or higher in rank within the chain of command

- The SAIDA is also the disposition authority for all collateral misconduct committed by the victim or the alleged offender arising from or relating to the report of sexual assault.

References:
- DoDI 6495.02
- SECNAVINST 1752.4B
- OPNAVINST 1752.1C
- MCO 1752.5B
General Command Responsibilities

- For Unrestricted Reports
  - Notify NCIS
  - Report incident via OPREP or SITREP (JAG consult required)
  - Limit knowledge of facts to those who need to know

- Sexual Assault Disposition Report (SADR) by Accused’s CO or Victim’s CO (if accused isn’t identified)
  - Once all action is complete

References:
OPNAVINST 1752.1C
MCO 1752.5B
Victim’s CO Responsibilities

- Notify SARC, Victim Advocate (VA)
- Inform victim of rights (SARC, VA, VLC, FFSC, counseling, expedited transfer, and VWAP)
- Notify Installation CO within 24 hours
- 8-day brief (SAIRO)
- 30-day Flag Officer brief
- Sexual Assault Case Management Group (every 30 days)

References:
- OPNAVINST 1752.1C
- MCO 1752.5B
Accused’s CO Responsibilities

- 30-day Flag Officer brief
- Sexual Assault Initial Disposition Authority (SAIDA)
- Sexual Assault Disposition Report (SADR) – after final disposition of case
- Sex Offense Accountability Record (SOAR)

References:
- OPNAVINST 1752.1C
- MCO 1752.5B