

Spring 2018 Report of the Auditor General of Canada
Administration of Justice in the Canadian Armed Forces

DETAILED MANAGEMENT ACTION PLAN - OFFICE OF THE AUDITOR GENERAL REPORT RECOMMENDATIONS

Para	OAG Recommendation	Departmental Response	Description of Final Expected Outcome/Result	Expected Final Completion Date	Key Interim Milestones (Description/ Dates)	Responsible Organization / Point of Contact
Para 3.31 Rec 1	The Canadian Armed Forces should review its military justice processes to identify the causes of delays and to implement corrective measures to reduce them.	<p>Agreed. As mentioned at paragraph 3.69, the Office of the Judge Advocate General has received funding for and is developing a military justice case management tool and database. This system, called the Justice Administration and Information Management System, or JAIMS, is being developed in the 2018–19 fiscal year in collaboration with the Assistant Deputy Minister (Information Management). It is expected that the JAIMS will be piloted beginning in January 2019 and will be launched in September 2019.</p> <p>The JAIMS will electronically track discipline files from the receipt of a complaint through to closure of the file. The system will allow military justice stakeholders to access real-time data on files as they progress through the military justice system and will prompt key actors when they are required to take action. It is expected that management of military justice system files with the JAIMS will significantly reduce delays. The JAIMS will also be integrated with a new military justice performance measurement system, expected to be launched concurrently. This system will</p>	<p>The “Justice Administration and Information Management System”, or “JAIMS”, will be launched. This system will electronically track discipline files from the receipt of a complaint through to closure of the file. The system will allow military justice stakeholders to access real-time data on files as they progress through the military justice system, and will prompt key actors when they are required to take action.</p> <p>A new military justice performance measurement system, linked to the JAIMS and launched concurrently with it, will help identify the causes of delays remaining following the launch of the JAIMS and on an ongoing basis.</p>	September 2019	The JAIMS pilot project will begin January 2019.	Office of the Judge Advocate General

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		<p>deliver measurable data on the performance of the military justice system, allowing for the identification of system weaknesses—including in the area of delay—and the development of targeted measures to address them.</p>				
<p>Para 3.43 Rec 2</p>	<p>The Canadian Armed Forces should define and communicate time standards for every phase of the military justice process and ensure there is a process for tracking and enforcing them.</p>	<p>Agreed. The Office of the Judge Advocate General will conduct a review of time requirements for every phase of the military justice system process. This review will allow for the identification and, by January 2019, the introduction of time standards that would benefit the military justice process in a manner that respects rules of fairness and legal requirements.</p> <p>The Justice Administration and Information Management System, or JAIMS, expected to be operational in September 2019, will incorporate all time standards and will allow for real-time tracking of files as they proceed through the system. The JAIMS will also prompt decision makers when action is required. The military justice performance measurement system, linked to the JAIMS, will deliver data on compliance with time standards.</p> <p>The JAIMS could also be used to require decision makers at various stages to</p>	<p>A review of time requirements for every phase of the military justice system process will be done, appropriate time standards identified, and these time standards communicated within the “Justice Administration and Information Management System”, or “JAIMS”. The JAIMS will electronically track progress on discipline files, including the time taken to accomplish steps within the discipline process and whether communicated time standards have been met. The JAIMS will also prompt key actors when they are required to take action and will remind them of expected timelines.</p>	<p>September 2019</p>	<p>Review of time requirements will be completed by January 2019.</p> <p>Identification of time standards and their introduction – within the pilot of the “Justice Administration and Information Management System”, or “JAIMS” – will be completed by January 2019.</p> <p>The JAIMS pilot project, which will include communicated time standards, will begin January 2019.</p>	<p>Office of the Judge Advocate General</p>

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		justify why they could not meet time standards, which will assist in identifying and resolving the causes of delays.				
Para 3.47 Rec 3	The Canadian Armed Forces should establish formal communication processes to ensure that the Military Police, the Director of Military Prosecutions, the Judge Advocate General’s legal officers, and the military units receive the information that they need to carry out their duties and functions in a timely manner.	<p>Agreed. The Military Police Group, the Canadian Military Prosecution Service, legal officers within the Office of the Judge Advocate General, military units, as well as Defence Counsel Services will all have access to the Justice Administration and Information Management System, or JAIMS, which is expected to be operational in September 2019. This will enable decision makers to access real-time information concerning files. In addition, the Office of the Judge Advocate General is undertaking a full review of the policies respecting the disclosure of Military Police reports. This review is expected to be completed by summer 2018 and to be followed by the development of new standards—within the 2018–19 fiscal year—for the timely and complete delivery of these Military Police reports.</p> <p>The re-establishment of the Military Justice Round Table, planned for the spring of 2018, will bring together stakeholders from the Court Martial Appeal Court of Canada, Office of the Chief Military Judge, Office of the Judge Advocate General, Canadian Forces</p>	<p>The “Justice Administration and Information Management System”, or “JAIMS”, will be launched. This system will be accessible by the Military Police Group, the Director of Military Prosecutions, the Judge Advocate General’s legal officers and concerned military units, and will provide real-time information concerning files.</p> <p>New standards for the delivery of military police reports will be implemented.</p> <p>The Military Justice Round Table will be re-established.</p> <p>The Director of Military Prosecutions will implement a comprehensive solution to provide additional legal support to the Canadian Forces Military Police Academy located in Borden.</p>	<p>The “Justice Administration and Information Management System”, or “JAIMS”, will be launched in September 2019.</p> <p>New standards for the delivery of military police reports will be implemented by 31 March 2019.</p> <p>The Military Justice Round Table will hold its first meeting in Spring 2018, and will meet semi-annually after this.</p> <p>The Director of Military Prosecutions will provide additional legal support to the Canadian Forces Military Police Academy by summer 2019.</p>	<p>The JAIMS pilot project will begin January 2019.</p> <p>A review of all policies relating to the disclosure of military police reports will be completed by September 2018.</p> <p>The Director of Military Prosecutions will review how additional legal support can be provided to the Canadian Forces Military Police Academy located in Borden by summer 2019.</p>	<p>Office of the Judge Advocate General</p> <p>Director of Military Prosecutions</p>

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		<p>Provost Marshal, Canadian Military Prosecution Service, and Defence Counsel Services to provide a forum to discuss military justice challenges and options to implement best practices.</p> <p>Further, the Director of Military Prosecutions is examining how additional legal support can be provided to the Canadian Forces Military Police Academy in order to facilitate the provision of information between military prosecutors and the Military Police, as well as to assist in the improvement of the quality of future investigations through coordinated training and feedback. It is anticipated that a comprehensive solution to this will be put in place by summer 2019.</p>				
Para 3.52 Rec 4	The Canadian Armed Forces should define and communicate expectations for the timely disclosure of all relevant information to members charged with an offence.	<p>Agreed. The Office of the Judge Advocate General is conducting a review of timelines for the delivery of disclosure to those charged with an offence. It is expected that this review will be completed by January 2019.</p> <p>The Director of Military Prosecutions has already instituted a number of changes to expedite disclosure to defence counsel. For example, before a file is assigned to a prosecutor, the prosecutor's supervisor will request disclosure from the</p>	<p>A review of timelines for disclosure will be completed by the Office of the JAG.</p> <p>Commanding officers will be reminded of their obligation to inform Director of Defence Counsel Services of the accused's decision respecting legal representation.</p>	<p>The review of disclosure timelines will be completed by January 2019.</p> <p>Commanding officers will be reminded by Spring 2018.</p>		<p>Office of the Judge Advocate General</p> <p>Director of Military Prosecutions</p>

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		<p>appropriate investigative agency. In addition, prosecutors have been instructed to send disclosure to defence counsel once they have received and reviewed it and prior to making a decision (whether to prefer a charge).</p> <p>Further, in spring 2018, the Office of the Judge Advocate General will remind commanding officers of their obligation to immediately inform the Director of Defence Counsel Services of the accused's decision on whether the accused wishes to be represented by defence counsel.</p>				
Para 3.57 Rec 5	The Judge Advocate General should ensure that its human resource practices support the development of litigation expertise necessary for prosecutors and defence counsel.	<p>Agreed. The Office of the Judge Advocate General is developing better approaches to the posting of legal officers into positions as prosecutors or defence counsel, taking into account operational requirements. The Office of the Judge Advocate General expects to have a policy in place by spring 2019—in advance of the next posting season—mandating five-year-minimum posting periods for legal officers in prosecution and defence counsel positions in order to better develop litigation experience.</p> <p>In the interim period, the Office of the Judge Advocate General is directly implementing this recommendation. In</p>	A policy will be put in place mandating 5 year minimum posting periods for legal officers in prosecution and defence counsel positions.	The revised policy will be put in place by spring 2019 (in advance of the next posting cycle).	In 2018, most of the legal officers assigned to the Canadian Military Prosecution Service and the Defence Counsel Services will remain in their position (and not be posted elsewhere).	Office of the Judge Advocate General

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		<p>2018, most of the legal officers assigned to the Canadian Military Prosecution Service and Defence Counsel Services will remain in their positions (and not be posted elsewhere) to ensure organizational stability and further development of litigation expertise.</p>				
<p>Para 3.70 Rec 6</p>	<p>The Canadian Armed Forces should put in place a case management system that contains the information needed to monitor and manage the progress and completion of military justice cases.</p>	<p>Agreed. As mentioned at paragraph 3.69, the Office of the Judge Advocate General has received funding for, and is developing, a military justice case management tool and database. This system, which is being called the Justice Administration and Information Management System, or JAIMS, is being developed in the 2018–19 fiscal year in collaboration with the Assistant Deputy Minister (Information Management). It is expected that the JAIMS will be piloted beginning in January 2019 and will be launched in September 2019.</p> <p>The JAIMS will electronically track discipline files from the receipt of a complaint through to closure of the file. The system will allow military justice stakeholders to access real-time data on files as they progress through the military justice system and will prompt key actors when they are required to take action.</p> <p>The JAIMS could also be used to require</p>	<p>The “Justice Administration and Information Management System”, or “JAIMS”, will be launched. This system will electronically track discipline files from the receipt of a complaint through to closure of the file. The system will allow military justice stakeholders to access real-time data on files as they progress through the military justice system, and will prompt key actors when they are required to take action.</p> <p>The Director of Military Prosecutions will employ a significantly improved electronic database/case management system.</p>	<p>The “Justice Administration and Information Management System”, or “JAIMS”, will be launched in September 2019.</p> <p>The Director of Military Prosecutions improved electronic database/case management system will be employed by 1 June 2018.</p>	<p>The JAIMS pilot project will begin January 2019.</p>	<p>Office of the Judge Advocate General</p> <p>Director of Military Prosecutions</p>

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		<p>decision makers at various stages to justify why they could not meet time standards, which will assist in identifying and resolving causes for delays.</p> <p>In addition, by 1 June 2018, the Director of Military Prosecutions will employ a significantly improved electronic database / case management system, designed to better track those files throughout the court martial process that have been referred to the Director of Military Prosecutions. This system will be integrated with the JAIMS when that system is operational.</p>				
Para 3.76 Rec 7	The Office of the Judge Advocate General and the Canadian Armed Forces should regularly assess the efficiency and effectiveness of the administration of the military justice system and correct any identified weaknesses.	Agreed. In line with the development of the Justice Administration and Information Management System, or JAIMS, the Office of the Judge Advocate General is developing a military justice performance measurement system. This system should begin to collect meaningful data on the military justice system in September 2019. In doing so, this system will enable the assessment of the efficiency and effectiveness of the administration of the military justice system on an ongoing basis. Data analysis will also allow for the identification of system weaknesses and enable targeted measures to address them.	<p>A new military justice performance measurement system will be launched.</p> <p>The Office of the JAG will commence a review of the administration of military justice, as part of a program of regular such reviews.</p>	<p>The new performance measurement system will be launched by September 2019.</p> <p>The first of a program of regular reviews of the administration of military justice will be commenced by September 2019.</p>	The “Justice Administration and Information Management System”, or “JAIMS”, with which the performance measurement system will be linked, will be piloted beginning in January 2019.	Office of the Judge Advocate General

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		<p>In addition, aside from the ongoing monitoring that will be possible with the performance measurement system, the Office of the Judge Advocate General will undertake periodic and more formal reviews of the military justice system. The first such review will commence by September 2019.</p>				
<p>Para 3.82 Rec 8</p>	<p>The Director of Military Prosecutions should ensure that the policies and processes for assigning cases to prosecutors, and for documenting decisions made in military justice cases, are well defined, communicated, and fully implemented by the members of the Canadian Military Prosecution Service.</p>	<p>Agreed. The Director of Military Prosecutions has already made changes to the instruments for the appointment of prosecutors clarifying the limits for the exercise of their prosecutorial powers. The Director of Military Prosecutions has also made changes to better document the assignment of files to prosecutors. These changes will ensure that a proper record is kept of which prosecutor is assigned to the file, by whom the assignment was made, when the assignment took place, and who has final disposition authority in the matter.</p> <p>Further, the Director of Military Prosecutions will undertake a detailed policy review to be completed by 1 September 2018 to ensure that the policies properly reflect the above-noted changes and that all key decisions taken on a file affecting the disposition of that file are properly documented and communicated.</p>	<p>The Director of Military Prosecutions will complete a detailed review to ensure policies properly reflect changes made to instruments for the appointment of prosecutors and the documentation of the assignment of files to prosecutors.</p>	<p>1 September 2018</p>		<p>Director Military Prosecutions</p> <p>Office of the Judge Advocate General</p>

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Para 3.86 Rec 9	The Judge Advocate General should assess whether its practices and processes affect the independence of the Director of Military Prosecutions and the Director of Defence Counsel Services, and whether any adjustments or mitigation measures should be established.	<p>Agreed. By January 2019, the Office of the Judge Advocate General (JAG) will perform a thorough review of its relationships with the Director of Military Prosecutions and the Director of Defence Counsel Services to ensure their respective independent roles within the military justice system are respected. This will encompass a review of all existing policy directives to the Director of Military Prosecutions and the Director of Defence Counsel Services. In addition, the Office of the Judge Advocate General will continue to ensure that the Director of Military Prosecutions and the Director of Defence Counsel Services have the human resources required to perform their functions. This will include having a policy in place by spring 2019—in advance of the next posting season—mandating five-year-minimum posting periods for legal officers in prosecution and defence counsel positions in order to better develop litigation experience.</p> <p>In the interim period, the 2018-2021 Office of the JAG Strategic Direction specifically mandates in its mission statement and relevance proposition that the superintendence of the administration of military justice in the Canadian Armed Forces must be accomplished while</p>	<p>A thorough review will be done of the Office of the JAG’s relationships with the Director of Military Prosecutions and the Director of Defence Counsel Services.</p> <p>A policy will be put in place mandating 5 year minimum posting periods for legal officers in prosecution and defence counsel positions.</p>	<p>The review of the relationships will be done by January 2019.</p> <p>The revised policy will be put in place by spring 2019 (in advance of the next posting cycle).</p>	<p>The “2018-2021 Office of the JAG Strategic Direction” was issued in March 2018. This document specifically mandates in its Mission Statement and Relevance Proposition that the superintendence of the administration of military justice in the Canadian Armed Forces must be accomplished while respecting the independent roles of each statutory actor within the military justice system (which include the Director of Military Prosecutions and the Director of Defence Counsel Services).</p> <p>In 2018, most of the legal officers assigned to the Canadian Military Prosecution Service and the Defence Counsel Services will remain in their position (and not be posted elsewhere).</p>	Office of the Judge Advocate General

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		respecting the independent roles of each statutory actor within the military justice system (which include the Director of Military Prosecutions and the Director of Defence Counsel Services).				