

**Role of the Commander Subcommittee
Of the Response Systems to Adult Sexual Assault Crimes Panel**

TERMS OF REFERENCE

These terms of reference establish the Secretary of Defense (SecDef) objectives for an independent subcommittee review of the role of the commander in the investigation, prosecution, and adjudication of adult sexual assault crimes. At SecDef direction, the Role of the Commander Subcommittee ("the Subcommittee") has been established under the Response Systems to Adult Sexual Assault Crimes Panel (Response Systems Panel) to conduct this assessment.

Mission Statement: Assess the role and effectiveness of commanders at all levels in the investigation, prosecution, and adjudication of crimes involving adult sexual assault and related offenses, under 10 U.S.C. 920 (Article 120, Uniform Code of Military Justice (UCMJ)).

Issue Statement: Section 576(d)(1) of the FY 2013 National Defense Authorization Act provides that in conducting a systems review and assessment, the Response Systems Panel shall provide recommendations on how to improve the effectiveness of the investigation, prosecution, and adjudication of crimes involving adult sexual assault and related offenses, under 10 U.S.C. 920 (Article 120 of the UCMJ). This includes an assessment of the role of the commander in the investigation, prosecution, and adjudication of crimes involving adult sexual assault and related offenses. In addition, the Subcommittee should identify systems or methods for strengthening the effectiveness of military systems.

Objectives and Scope: The Subcommittee will address the following specific objectives.

- Examine the roles and effectiveness of commanders at all levels in the administration of the UCMJ and the investigation, prosecution, and adjudication of adult sexual assault crimes during the period of 2007 through 2011.
- Assess the roles and effectiveness of commanders at all levels in preventing sexual assault and responding to reports of adult sexual assault crimes, including the role of a commander under Article 60, UCMJ.
- Assess the strengths and weaknesses of current and proposed legislative initiatives to modify the current role of commanders in the administration of military justice and the investigation, prosecution, and adjudication of adult sexual assault crimes.

The Subcommittee shall develop conclusions and recommendations on the above matters and report them to the Response Systems Panel.

Methodology:

1. The Subcommittee assessment will be conducted in compliance with the Federal Advisory Committee Act (FACA).
2. The Subcommittee is authorized to access, consistent with law, documents and records from the Department of Defense and military departments, which the Subcommittee deems necessary, and DoD personnel the Subcommittee determines necessary to complete its task. Subcommittee participants may be required to execute a non-disclosure agreement, consistent with FACA.
3. The Subcommittee may conduct interviews as appropriate.

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4. As appropriate, the Subcommittee may seek input from other sources with pertinent knowledge or experience.

Deliverable:

The Subcommittee will complete its work and report to the Response Systems Panel in a public forum for full deliberation and discussion. The Response Systems Panel will then report to the Secretary of Defense.

Support:

1. The DoD Office of the General Counsel and the Washington Headquarters Services will provide any necessary administrative and logistical support for the Subcommittee.
2. The DoD, through the DoD Office of the General Counsel, the Washington Headquarters Services, and the Office of the Under Secretary of Defense for Personnel and Readiness, will support the Subcommittee's review by providing personnel, policies, and procedures required to conduct a thorough review of civilian and military systems used to investigate, prosecute, and adjudicate adult sexual assault crimes.