

## MILITARY JUSTICE SYSTEM TIME STANDARDS<sup>1</sup>

The table below sets out the time standards applicable to every phase of the military justice system.

ID	Phase of the Military Justice System	Time Starts (Date of:)	Time Ends (Date of:)	Time Standard <sup>2</sup>	Source of Authority for Time Standard
<b>Pre-Trial Detention</b>					
1	Delivery of Report of Custody	Arrest	Delivery of Report of Custody	24 hours	NDA s 158.1(1)
2	Review of Report of Custody	Arrest	Delivery of Review of Report of Custody	48 hours	NDA s 158.2(1)
3	Military Judge Review of Custody <sup>3</sup>	Arrest	Appearance Before Military Judge	As soon as practicable	NDA s 159(1)
4	Military Judge 90-Day Review of Custody	Arrest	Appearance Before Military Judge	90 days	NDA s 159.8
<b>Investigative Process</b>					
5	Investigation Initiated	Reporting of Offence	Investigator Assigned	3 days	CAFDAC <sup>4</sup>
6	Unit Investigation (Regular Force)	Investigator Assigned	Investigation Report Submitted	15 days	CAFDAC
7	Unit Investigation (Reserve Force)	Investigator Assigned	Investigation Report Submitted	30 days	CAFDAC

<sup>1</sup> Where legislation, regulation or policy did not specify a Time Standard, the applicable Time Standard was established following review and consultation with military justice system stakeholders.

<sup>2</sup> The Time Standard is the maximum amount of time in calendar days that may be used to complete the task (except where indicated). The publication of these time standards further allows their incorporation into the justice administration and information management system (JAIMS), a system that electronically tracks discipline files from the time a complaint is received to the time a file is closed, to further facilitate their tracking and enforcement. JAIMS will require decision makers at various stages to provide justifications should they not meet time standards, which will assist in identifying and resolving the causes of delays.

<sup>3</sup> The Office of the Chief Military Judge is not subject to Time Standards. At weekly coordinating or pre-trial conferences held with counsel, military judges manage trial issues and promote fairness and efficiency of courts martial. The duties and functions of the Court Martial Administrator are specified in the *National Defence Act* and the *QR&O* to support the administration of courts martial.

<sup>4</sup> The “Canadian Armed Forces Discipline Advisory Council”. CAFDAC is mandated to discuss and provide input on matters pertaining to the maintenance of discipline and policies related to the continued effective functioning of the Code of Service Discipline. It is co-chaired by the Canadian Armed Forces Chief Warrant Officer and the Judge Advocate General Chief Warrant Officer and its membership includes the most senior non-commissioned members from each command and from other key organizations within the Canadian Armed Forces.

ID	Phase of the Military Justice System	Time Starts (Date of:)	Time Ends (Date of:)	Time Standard <sup>2</sup>	Source of Authority for Time Standard
<b>Charge Laying Process</b>					
8	Charge Layer Assigned	Investigation Report Submitted	Charge Layer Assigned	2 days	CAFDAC
9	Charge Laying - Legal Advice Not Required	Charge Layer Assigned	Charge Laying Decision	30 days	CAFDAC & VCDS
10	Charge Laying - Legal Advice Request	Charge Layer Assigned	Legal Advice Requested	3 days	CAFDAC
11	Charge Laying - Legal Advice Provided	Legal Advice Provided	Charge Laying Decision	30 days	CAFDAC & VCDS
12	Charge(s) Laid - Summary Trial	Alleged Offence	Charge(s) Laid	6 months	NDA s 163(1.1)
<b>Legal Advice</b>					
13	Pre-Charge Legal Advice	Legal Advice Requested	Legal Advice Provided	14 days	JAG Policy Directive 048/18, para 32
14	Pre-Charge Legal Advice - Prosecution Advice Required	Determination by unit legal advisor that a charge is likely to result in a court martial	Request Sent to Regional Military Prosecutor	5 days	JAG Policy Directive 048/18, para 32
15	Prosecution Pre-Charge Legal Advice – Summary Trial	Request Sent to Regional Military Prosecutor	Regional Military Prosecutor Advice Provided	14 days	DMP Policy Directive 002/00, para 43 <sup>5</sup>
16	Prosecution Pre-Charge Legal Advice – Court Martial	Request Sent to Regional Military Prosecutor	Regional Military Prosecutor Advice Provided	30 days	DMP Policy Directive 002/00, para 43
17	Pre-Charge Legal Advice – With Prosecution Input	Regional Military Prosecutor Advice Provided	Legal Advice Provided	7 days	JAG Policy Directive 048/18, para 32
18	Post-Charge Legal Advice	Legal Advice Requested	Legal Advice Provided	7 days	JAG Policy Directive 049/18, para 5
<b>Pre-Trial – Summary Trial</b>					
19	Disclosure Provided to Accused	Charge(s) Laid	Disclosure Provided	3 days	CAFDAC
20	Election/Waiver Provided to Accused	Election/waiver Offered	Election/waiver Received	More than 24 hours	QR&O 108.17(2) and QR&O 108.171(1)(b)
<b>Pre-Trial – Court Martial</b>					
21	Accused's Representation Wishes Communicated to Defence Counsel Services	Charges Direct to Court Martial or Election to Court Martial	Wishes Delivered to Defence Counsel Services	2 days	DDCS, VCDS, CAFDAC

<sup>5</sup> All Time Standards relating to Military Prosecutors are established by the Director of Military Prosecutions and are published in DMP Policies.

<b>ID</b>	<b>Phase of the Military Justice System</b>	<b>Time Starts (Date of:)</b>	<b>Time Ends (Date of:)</b>	<b>Time Standard<sup>2</sup></b>	<b>Source of Authority for Time Standard</b>
22	Referral Application Delivered to Referral Authority	Charges Direct to Court Martial or Election to Court Martial	Application Delivered to Referral Authority	14 days	VCDS and CAFDAC
23	Referral Application Delivered to Director of Military Prosecutions	Application Delivered to Referral Authority	Application Delivered to Director of Military Prosecutions	30 days	VCDS and CAFDAC
<b>Summary Trial Process</b>					
24	Summary Trial Commenced	Alleged Offence	Start of Summary Trial	1 year	NDA s 163(1.1)
25	Summary Trial Commenced	Charge(s) Laid	Start of Summary Trial	20 days	CAFDAC
26	Summary Trial Length	Start of Summary Trial	End of Summary Trial	3 days	VCDS and CAFDAC
<b>Court Martial Process</b>					
27	Witness List Provided	Disclosure Package Provided to Accused (or counsel)	Prosecutor Informs Accused of Proposed Witnesses	15 days	DMP Policy Directive 017/18, para 7
28	Court Martial Scheduling Discussion	Disclosure and the List of Witnesses Provided to Accused	Defence Counsel Engaged for Court Martial Scheduling	30 days	DMP Policy Directive 017/18, para 8
29	Court Martial Complete	Charge(s) Laid	End of Court Martial	18 months	<i>R v Jordan</i> , 2016 SCC 631
<b>Summary Trial Review</b>					
30	Presiding Officer's Comments	Request for Review	Presiding Officer's Comments Provided	7 days	QR&O 108.45(6)
31	Review Authority's Decision	Request for Review	Review Authority's Decision	21 days	QR&O 108.45(10)