

**Annex T  
to CMCR Draft Interim Report  
dated 21 July 2017**

**From:** [Croucher\\_CWO\\_SF@5\\_Cdn\\_Div\\_HQ\\_Comd@Halifax](mailto:Croucher_CWO_SF@5_Cdn_Div_HQ_Comd@Halifax)  
**To:** [Madden\\_LCdr\\_MP@JAG\\_MJ\\_Strat@Ottawa-Hull](mailto:Madden_LCdr_MP@JAG_MJ_Strat@Ottawa-Hull)  
**Cc:** [Turenne\\_MGen\\_CJ@C\\_Army\\_Asst\\_C\\_Army@Ottawa-Hull](mailto:Turenne_MGen_CJ@C_Army_Asst_C_Army@Ottawa-Hull); [Lavigne\\_CPO\\_1\\_JRGS@JAG@Ottawa-Hull](mailto:Lavigne_CPO_1_JRGS@JAG@Ottawa-Hull)  
**Subject:** Initial Chain of Command Input - Court Martial Comprehensive Review  
**Date:** November 9, 2016 5:44:00 AM

---

Sir,

By way of a quick introduction I am CWO Shawn Croucher, Sgt Maj 5<sup>th</sup> Cdn Div. We were recently requested to provide feedback as part of the subj initiative.

My comments are based on my observations and experiences over the last 7 years as a CWO. Over those 7 years I have served 3 years a unit RSM, 3 years as a formation Sgt Maj and 1 year as a Division Sgt Maj (current post).

- The time span from charge laying to the actual conduct of the CM is too long. In my experience it can be as long as 18 – 24 months. Often some of the charges are dropped due to the timely administration of justice and other reasons which I am sure are sound. The difficulty however is the time lapse.
- Punishments awarded at CM are viewed as more lenient than those awarded at ST. A good example would be a Pte that was awarded 18 days in DB for the theft of another soldiers kit and about 6 months later a Pte was awarded a fine of \$650 for stealing C4 plastic explosives from a demolition range. Understanding there are many factors considered in awarding a punishment the general sentiment is that CM punishments are far more lenient.
- The understanding of administration and military law at the unit level are not well understood and often mixed. For example there are still unit Comd Tms that will wait for the outcome of a particular trial (ST, CM or civilian) before commencing an administrative process (ie IC, RW, C&P). Perhaps this training needs to be reinforced during a DP level or at the Comd Tm Crse.
- It is also my experience that the weakest part of the whole process is quite often the investigation:
  - MP investigations are conducted poorly and are not timely. Quite often it takes too long to get the MPIR and more often than not there are faults in the investigation or incomplete information. A good example would be an investigation that 5 Div waited on for over 11 months leaving just 1 month to process an RDP. Recent NIS investigations we have received are very good and timely. Perhaps there is a requirement for more MPs and better investigative training.
  - Many MPIRs that are received by a unit have a recommendation for a charge under the CCC. If a recommendation for a charge is made by an MP (or their CoC) it should be

under the NDA not CCC. An example would be 2 soldiers fighting on base outside the JR Mess would be charged under NDA “entered a quarrel or a fray” whereas often the MPIR would recommend a charge of “assault”.

- Unit led investigations are conducted poorly. It is my experience and view that our current training and PD models do not properly prepare NCMs (nor Officers) to be able to complete unit disciplinary investigations to a standard that is sufficient for ST or CM. While the POCT is a good course for familiarization of military justice at the unit level it does not lend itself to conducting a comprehensive investigation. A good fix may be to formalize the UDI & CL course and include it as mandatory training at the DP3 (WO) level.

I hope that you will find my feedback satisfactory for your purpose. Should you need any further clarification, please do not hesitate to contact me.

v/r,  
SEC

CWO // Adjud SE (Shawn) Croucher, MMM,CD

5 Div Sgt Maj // RCE Sgt Maj

5<sup>th</sup> Canadian Division // Canadian Army

[Shawn.croucher@forces.gc.ca](mailto:Shawn.croucher@forces.gc.ca) / Tel: 902-427-0215 / CSN: 427-0215

Sgt Maj 5 Div // Adjud GRC

5<sup>eme</sup> Division du Canada // Armee canadienne

[Shawn.croucher@forces.gc.ca](mailto:Shawn.croucher@forces.gc.ca) / Tél: 902-427-0215 / RCCC: 427-0215