

## New JAGMAN Revisions – Convening Authority Responsibilities and Updated Victim Notification Provisions

On 15 January 2021, the Secretary of the Navy approved the latest revision to the Manual of the Judge Advocate General (JAGMAN), JAGINST 5700.7G. There are several important additions to Chapter 1 relating to convening authority responsibilities and victim notifications. These provisions were added to comply with several requirements in the FY 2020 National Defense Authorization Act. Here is what you need to know:

- New Section 0128(i) establishes a timeline for commanders to make a final disposition decision. The section requires that, **within 60 days** of deciding not to *refer* a preferred sex-related specification to general or special court-martial due to insufficient evidence, **the convening authority must make their decision regarding any further disposition decision or recommendation**, whenever practicable. If the decision is not made within 60 days, any alleged victim, whether military or civilian, must receive updates every 30 days explaining the reason for any delay in making the disposition decision. And, consistent with new JAGMAN Section 0142b (below), the alleged victim must be notified of the final disposition decision when it's made.
- New Section 0142a establishes notification requirements for certain significant case events. Under Section 0142a, any alleged victim reporting a sexual assault that names a service member as the alleged offender **must be apprised of specified significant events involved in any investigation, prosecution, and confinement** resulting from their allegation. These notifications must be documented by the cognizant RLSO/LSSS and are in addition to existing victim notification requirements.
- New Section 0142b establishes notification requirements regarding disposition decisions. Under Section 0142b, a commander who makes a determination not to *refer* a preferred sexual assault offense for trial by court-martial must provide **monthly status updates to any alleged victim regarding further action in the case**, including the results of any disciplinary or administrative proceeding or a decision of no further action. The updates must continue until final disposition is taken, and the commander must document the date of each update. A recommended template for documenting the notifications is attached to this Sidebar. Documentation by the commander, in whatever form, must be maintained by the command.

Marine Corps judge advocates should consult Judge Advocate Division Practice Advisory 12-20 for supplemental guidance available at:

<https://www.hqmc.marines.mil/Portals/135/Docs/Practice%20Advisories/Practice%20Advisory%2012-20%20Victim%20Notification%20and%20Disposition%20Timeline%20for%20Sex-Related%20Offenses.pdf>

This Sidebar and recommended 0142b compliance template have been posted to Code 20's page on the JAG Portal at:

<https://portal.secnav.navy.mil/orgs/JAG/20/SitePages/Home.aspx>

The revised JAGMAN is available in the JAG Corps online library at:

<https://www.jag.navy.mil/library/instructions.htm>

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