

# Summary of Tasks for the RSP and JPP

## Response Systems Panel

- Assess roles and effectiveness of commanders in preventing and responding to sexual assault
- Assess legislative initiatives to modify role of military commanders in MJ system and whether removing the commander as the disposition authority would increase reporting
- Assess and compare military and civilian conviction rates in sexual assault cases
- Assess sentencing guidelines, advisability of mandatory minimums, and opportunities for clemency for Article 120 offenses
- Assess training level of military defense and trial counsel compared to civilian counsel
- Compare military and civilian justice systems for the investigation, prosecution, and adjudication of sex assault offenses
- Assess role, responsibilities, and authority of Special Victims' Counsel
- Assess adequacy of systems and procedures to support victims in all phases of investigation, prosecution, and adjudication of adult sexual assault crimes
- Assess victims' rights in military and appropriateness of extending legal standing to seek enforcement of crime victims' rights
- Assess of means to collect data on alleged offenders identified in restricted reports
- Consider other matters the Panel considers appropriate

## Judicial Proceedings Panel

1. Assess Article 120, UCMJ (2012), with recommendations for improvements in implementation of the statute
  - Consider advisability of amendment to cover situation where one commits sexual act upon another by abusing one's position in chain of command to gain access to or coerce other person
2. Review and evaluate trends in disposition of military sexual assault cases to include implementation of withholding policy through conviction rates and punishments
3. Assess implementation and effect of mandatory minimum sentence of dismissal or dishonorable discharge for certain sexual assault offenses, and appropriateness of other mandatory minimum sentences
4. Assess trends in training and experience levels of military defense and trial counsel in sex assault cases
5. Monitor trends in development, utilization, and effectiveness of special victims capability
6. Assess the implementation and effect of Special Victims' Counsel Program
7. Review and assess instances when victim's prior sexual conduct was considered or deemed inadmissible in an Art. 32 hearing, instances it was introduced at court-martial, and impact evidence had on the case
8. (*Anticipated in FY15 NDAA*) Examine use of mental health records by defense counsel during preliminary hearings and at courts-martial compared to civilian criminal legal proceedings
9. Assess adequacy of provision of compensation and restitution for victims
10. Consider other matters Panel identifies as appropriate for the report

### Matters RSP recommended JPP consider:

- *Should Article 120 be split into different articles that separate penetrative and contact offenses*
- *Victim's right to information during discovery*
- *Depositions of victims*
- *Plea bargains in the military compared to civilian jurisdictions*