

**PROPOSED ISSUES FOR JPP DELIBERATIONS
APRIL 10, 2015**

**A. JPP Analysis and Recommendations as to Mechanisms for Restitution
(Offender paying the victim for out of pocket expenses)**

Issue # 1	<p>Whether the Convening authority and parole boards' power to grant the accused's request to pay the victim's expenses are sufficient restitution mechanisms throughout the military judicial process.</p> <ul style="list-style-type: none"> - <i>The UCMJ does not authorize restitution as a form of sentence.</i> - <i>Convening authorities can enter into a PTA with restitution as a condition of the agreement or consider the accused's request to pay restitution as a matter of clemency.</i> - <i>A military judge may make a recommendation to the convening authority to disapprove or suspend some portion of the punishment if the accused makes restitution to the victim within a certain period.</i> - <i>Parole boards shall can consider the offender making restitution to the victim a condition of parole.</i>
Analysis & Recommendations	
Issue # 2	<p>Whether the UCMJ should be amended to add restitution as an authorized punishment that may be adjudged at courts-martial? If so, should restitution be required or discretionary?</p>
Analysis & Recommendations	
Issue # 3	<p>Whether Article 139 should be amended to include claims for "bodily injury," which would authorize the commander to determine the dollar value of physical or mental injury and order the offender's pay to be directed to the victim.</p>
Analysis & Recommendations	
Issue # 4	<p>Whether forfeited wages of incarcerated members of the Armed Forces should be directed to pay compensation to victims of military offenses?</p> <p><i>Note: Other provisions currently direct those funds:</i></p> <ul style="list-style-type: none"> - <i>Forfeited wages fund the Armed Forces Retirement Home;</i> - <i>Article 57 allows the Convening Authority to defer forfeiture of pay; and</i> - <i>Article 58b allows the Convening Authority to waive the forfeited pay and allowances of incarcerated offenders to be paid to the offender's dependents for up to six months.</i>
Analysis & Recommendations	

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**B. JPP Analysis and Recommendations as to Mechanisms for Compensation
(System based payment to victims for out of pocket expenses)**

Issue # 5	Whether there are gaps in compensation for <u>military members</u> who are victims of a sexual assault. Does the Panel wish to make any recommendations regarding compensation for medical expenses, lost income, travel expenses during the judicial process, relocation costs, personal property, Personnel Claims Act (PCA), or future losses after the member leaves the Service?
Analysis & Recommendations	

Issue # 6	Whether there are gaps in compensation for <u>dependents</u> who are victims of a sexual assault. Does the Panel wish to make any recommendations regarding transitional compensation, medical expenses, lost income, travel expenses during the judicial process, relocation costs, personal property, or future losses?
Analysis & Recommendations	

Issue # 7	Whether there are gaps in compensation for <u>civilian</u> victims of a sexual assault who are not dependents and do not have any connection to other military benefits. Does the Panel wish to make any recommendations regarding medical expenses, lost income, travel expenses during the judicial process, relocation costs, personal property, or future losses?
Analysis & Recommendations	

Issue # 8	Does the Panel wish to make any recommendations regarding the adequacy and/or use of state and local CVC programs as a mechanism for compensation for sexual assault victims of military offenders?
Analysis & Recommendations	

Issue # 9	Does the Panel recommend establishment of a DoD compensation board/program for sexual assault victims? If the Panel does recommend that a DoD compensation program be established, does the Panel wish to make any recommendations with respect to the program's structure, eligibility requirements, funding source, etc.?
Analysis & Recommendations	

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C. JPP Analysis and Recommendations: Conclusions

Issue # 10	Does the Panel wish to make any overall assessment as to the adequacy of compensation and restitution for victims of military offenses or recommendations on expanding those systems?
Analysis & Recommendations	