

EXECUTIVE SUMMARY
OF
JUDICIAL PROCEEDINGS PANEL TASKS: TRENDS & ANALYSIS OF COURTS-MARTIAL

JPP Statutory Tasks Related to Courts-Martial Trends and Analysis (from FY13 NDAA):

- *Review and evaluate current trends in response to sexual assault crimes whether by courts-martial proceedings, non-judicial punishment and administrative actions, including the number of punishments by type, and the consistency and appropriateness of the decisions, punishments, and administrative actions based on the facts of individual cases*
- *Identify any trends in punishments rendered by military courts, including general, special, and summary courts-martial, in response to sexual assault, including the number of punishments by type, and the consistency of the punishments, based on the facts of each case compared with the punishments rendered by Federal and State criminal courts*
- *Review and evaluate court-martial convictions for sexual assault in the year covered by the most-recent report of the Judicial Proceedings Panel and the number and description of instances when punishments were reduced or set aside upon appeal and the instances in which the defendant appealed following a plea agreement, if such information is available*

Assessing Data Requirements & Determining Data Sources:

- JPP staff initially reviewed DoD annual Sexual Assault Prevention and Response reports and Service investigative and court-martial tracking systems to assess availability of sexual assault case information to support JPP requirements
- DoD SAPR reports and Service tracking systems do not uniformly track information or cannot perform complex search queries necessary to provide information to completely and accurately analyze sexual assault courts-martial trends
 - *Example:* For convictions, SAPR annual reports list only the most serious offense, not all offenses at issue in the case or court-martial
 - *Example:* No system compares Art 32 investigating officer recommendations and staff judge advocate advice with convening authority decisions to refer charges to court, dismiss charges, dispose of charges via alternate means, etc.
- JPP staff assessed Federal resources and best practices for criminal data tracking and analysis
- Members of the staff met with Director, Office of Research and Data from the U.S. Sentencing Commission to review U.S.S.C. data collection procedures
 - By statute, Federal District Courts provide identified sentencing documents to the U.S.S.C. for all cases (80K cases in FY13, 400K individual documents)
 - U.S.S.C. Office of Research and Data enters, compiles, analyzes, and reports Federal sentencing data (50-person staff)

Case Document and Data Collection:

- In Nov 14, the JPP requested the Services provide specific courts-martial documents for all cases in the FY12 and FY13 annual SAPR reports where a sexual assault charge was preferred; a similar request to the Services for cases contained within the FY14 SAPR report was made in May 15; Attachment 1 is the JPP's request for information listing requested documents for each case
- The JPP requested the Services to provide copies of case documents (or access to case documents the JPP staff, if located in the NCR) for 2,360 cases identified in the FY12, FY13, and FY14 DoD SAPR reports
- To date, the JPP has received documents from 2,115 cases and anticipates receiving the remaining documents by 31 Aug

JPP Case Data Management and Analysis System:

- JPP staff worked with WHS Sharepoint contractors to developing a database and case management system to support analysis of case information recorded from case documents; the operational system is expected to be delivered to the JPP staff by 5 Aug for initial use and validation
- Using case documents, JPP staff will enter case data into the case management system
- Nationally recognized criminologist Dr. Cassia Spohn has been hired to supplement the JPP staff to provide expert analysis of case data

Task Timeline:

- 25 Nov 14: Requested case documents for FY12 and FY13 cases from the Services
- 1 Feb 15: Began receiving/obtaining FY12 and FY13 case documents from the Services
- 8 May 15: Requested case documents for FY14 cases from the Services
- May 15: Began receiving/obtaining FY14 case documents from the Services
- 5 Aug 15: Begin entering information from case documents into JPP case management system
- 31 Aug 15: Anticipated completion date to receive all FY12, FY13, and FY14 case documents from the Services (2,360 cases)
- 1 Oct 15: Dr. Spohn begins data review and analysis
- 6 Nov 15: JPP public meeting to review courts-martial data and analysis reports
- 5 Feb 16: Annual JPP report due to SecDef and Congress