



# JUDICIAL PROCEEDINGS PANEL

# Trends and Statistics

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Attorney-Advisor



## JPP Taskings

- 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



## Current Systems

- JPP Staff:
  - Reviewed DoD SAPRO annual reports
  - Met with DoD SAPRO, Services' MCIOS, military justice offices, appellate courts
- Determined current reports and investigative/court-martial tracking systems did/could not:
  - Uniformly track information across Services; or
  - Perform complex search queries necessary to provide information to accurately and completely analyze sexual assault courts-martial trends



## Current Systems

- DoD Annual SAPRO Report:

Included:

1. Most Serious Offense Charged
2. Most Serious Offense Guilty
3. *Sentence (Adjudged or Approved)*
4. *Court Type (Sometimes Provided)*

Not Included:

1. All Offenses
2. All Guilty Offenses
3. Sentence (Adjudged and Approved)
4. Court Type (For all cases)
5. Disposition of Sex Offenses
6. Pleas and Findings
7. Forum
8. Motions (including 412/513)
9. Pretrial Agreement (terms and caps)
10. Clemency



## Obtaining Court Data

- US Sentencing Commission Office of Research and Data
  - District Chief Judge statutorily required to submit following documents within 30 days of judgment entry:
    1. Judgment & Commitment Order
    2. Written Statement of Reasons
    3. Any Plea Agreement
    4. Indictment/Other Charging Document
    5. Presentence Report
    6. Any other Information Requested by USSC



## Obtaining Military Court Data

### Information Needed

1. All Offenses
2. Court Type
3. Pleas and Findings
4. All Guilty Offenses
5. Forum
6. Pretrial Agreement (terms and caps)
7. Sentence
8. Clemency
9. Article 32 IO Recommendation
10. Staff Judge Advocate Advice
11. Motions (including 412/513)

### Documents

1. DD Form 458, Charge Sheet
2. DD Form 457, Investigating Officer's Report
3. Article 34 Pretrial Advice
4. DD Form 490/1, Record of Trial
5. DD Form 2707-1, Report of Result of Trial
6. Pretrial Agreements
7. Master Index of Exhibits
8. All Court-Martial Orders
9. Protective Orders



## Obtaining Military Court Data

- Based on SAPRO FY12, FY13, FY14 Annual Reports
- Requested court-martial documents of all cases listed as having a sexual assault offense preferred
- Limitations
  - USCG not included in report; similar information request made by JPP
  - Does not include sexual assaults b/t spouses or intimate partners
  - Case identification

FY12		FY13		FY14		Total		
Requested	Identified	Requested	Identified	Requested	Identified	Requested	Identified	Received
612	624	865	865	876	871	2353	2360	2115



# **JPP Data Utilization, Management, and Analysis System**

- Winter 2014-15: Identified requirements
- April 2015: System development began
- This Week: Beta version complete; data entry testing began



JUD

### Case Information: USAF-13-33

Service

Fiscal Year

Case Number

Disposition Fiscal Year

Case Location

Accused Rank  Officer  Enlisted

Accused Gender  Male  Female

#### Victim - 2

<input checked="" type="button" value="v"/>	Gender	<input type="radio"/> Male	<input checked="" type="radio"/> Female
	Status	<input checked="" type="radio"/> Military	<input type="radio"/> Civilian
	Gender	<input checked="" type="radio"/> Male	<input type="radio"/> Female
	Status	<input type="radio"/> Military	<input checked="" type="radio"/> Civilian

Add Victim

SVC Involvement

Does SAPR information match?

- Ability

- Serv
- Disp
- Case
- Accu
- Victi
- One



# JUDICIAL PROCEEDINGS PANEL

Input Offenses

## Input Offenses

Service/FY/Case#

**USAF-13-33**

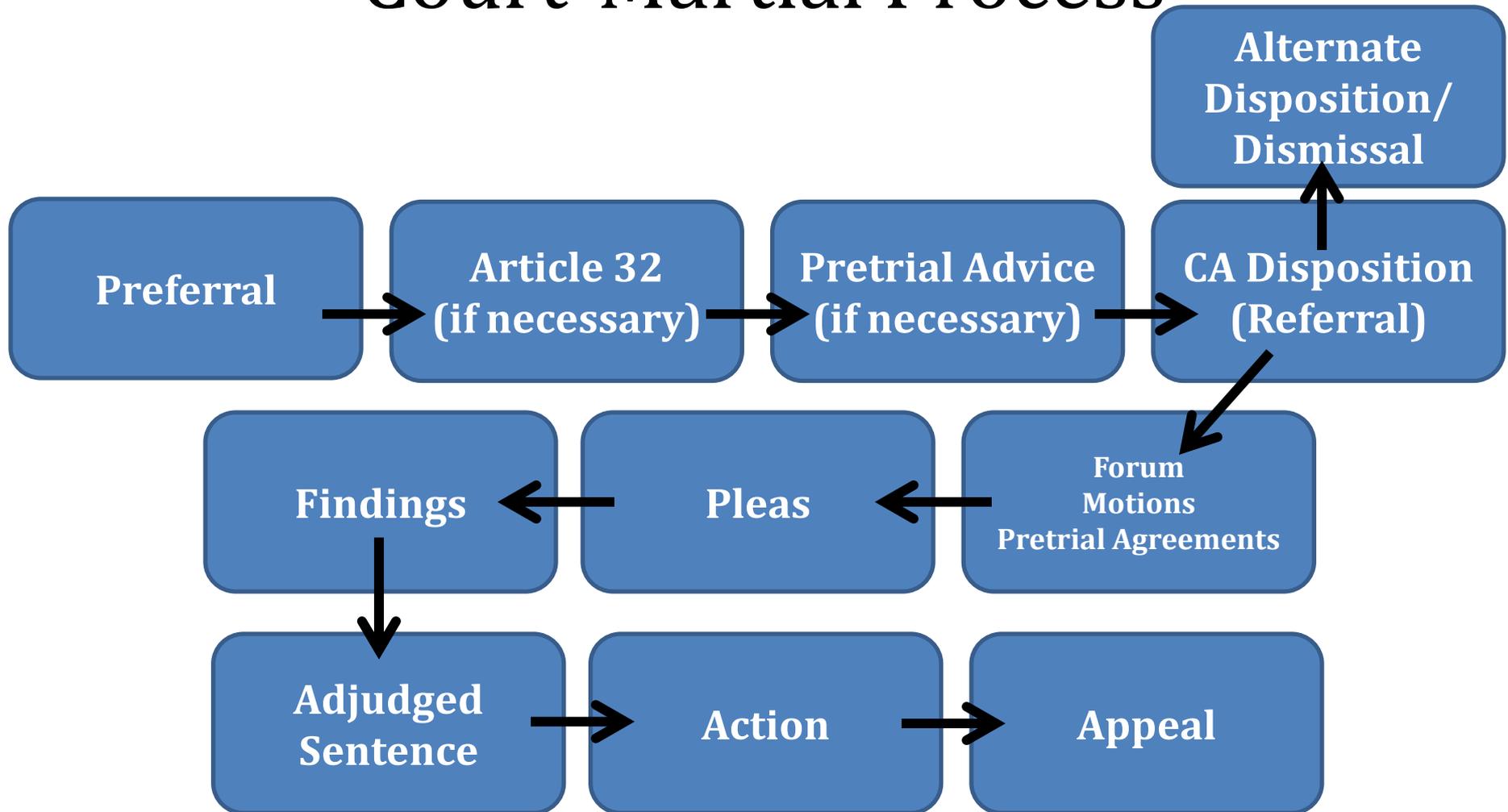
### Offense Charged

▼ Article Header:	Sexual Assault Charges - 1 October 2007-27 June 2012	▼
Offense Charged	2007-Article 120(c) - Aggravated Sexual Assault	▼
Offense Charge	I	▼
Offense Specification	1	▼
Did Offense occur after 23 Jun 14?	<input type="checkbox"/>	
▼ Article Header:	Sexual Assault Charges - 28 June 2012-Present	▼
Offense Charged	2012-Article 120(d) - Abusive Sexual Contact	▼
Offense Charge	I	▼
Offense Specification	2	▼
Did Offense occur after 23 Jun 14?	<input checked="" type="checkbox"/>	
▼ Add New Offense		

Article 106 - Spies



## Court-Martial Process





## Court-Martial Process Database Tabs

**Case Number: USAF 13 33**

Article 32	Pretrial Advice	Pretrial Agreement	Referral	Trial Details	Pleas	Findings	Adjudged Sentence	Actions	Appellate
Rank of CA	O-08								
SA Offense Referred	<input checked="" type="checkbox"/>	SA Offense Dismissed/Alt Disposition		<input type="checkbox"/>					
Offense Name	GCM	SPCM	SCM	Dismiss			Alt Disposition		
Charge I Specification 1	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>			<input type="radio"/>		
Charge I Specification 2	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>			<input type="radio"/>		
Align with IO Rec?	No	Align w/Pretrial Advice:		No					
<input type="button" value="Submit"/>									



## Article 32

- Ability to filter by:
  - IO recommendations for specific offenses
  - Hearings that occur after new Article 32 rules

## Pretrial Advice

- Ability to filter by:
  - Legal advice on specific offenses
  - Compare IO recommendations and pretrial legal advice



## Pretrial Agreements

- Ability to filter by:
  - Instances when sexual assault offense dropped/pled down to a non-sexual assault offense
  - Instances when restitution included as an agreement term

## Referral

- Ability to filter by:
  - Referral of specific offenses
  - Command decisions compared to IO recommendations/legal advice



# Meetings and Analysis

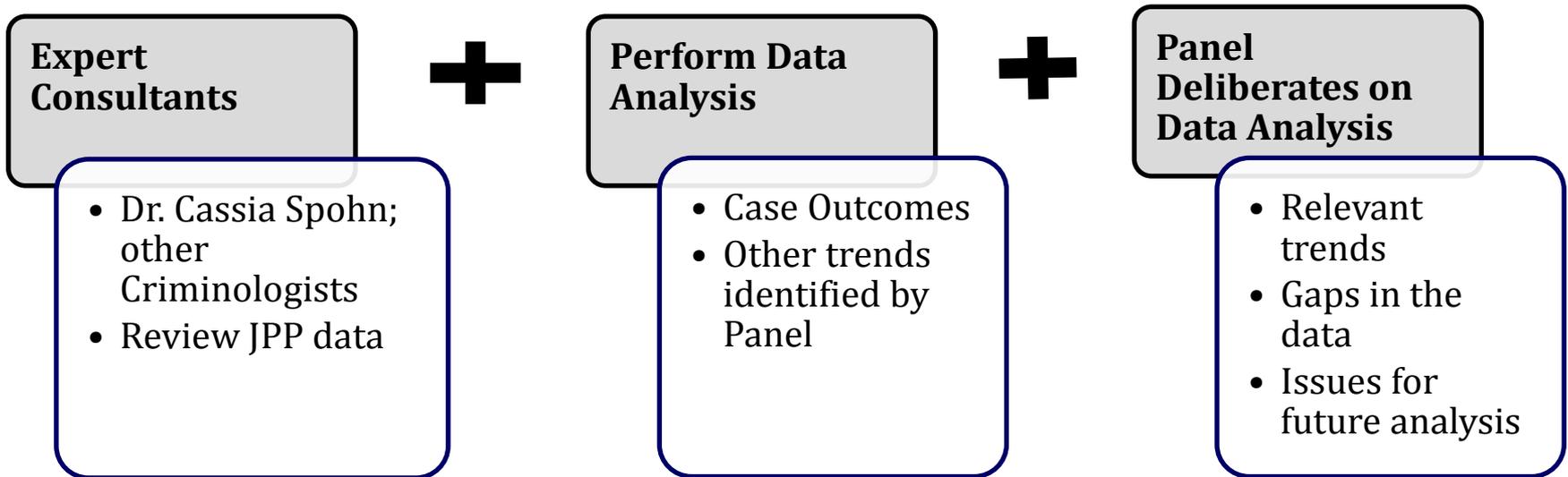


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## Panel Data Analysis





## Proposed Panel Meetings

<b>September</b>	<b>October</b>	<b>November</b>
<ul style="list-style-type: none"><li>• Civilian Crime Data Agencies (BJS and USSC)</li><li>• DoD Officials and Services</li><li>• Criminologists</li></ul>	<ul style="list-style-type: none"><li>• Military and Civilian Practitioners</li><li>• Other Topic Deliberations</li></ul>	<ul style="list-style-type: none"><li>• Data Analysis</li><li>• Deliberations</li></ul>



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