

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 , and does not
 - *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 November 2014, the JPP requested the Services provide specific courts-martial documents for all cases listed in the FY12 and FY13 annual SAPRO reports where a sexual assault charge was preferred; a similar request to the Services for cases contained within the FY14 SAPRO report was made in May 2015
- The JPP requested the Services to provide copies of the following 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
 - **DD Form 458, Charge Sheet**
 - **DD Form 457, Report of Proceedings under Article 32, UCMJ**
 - **Staff Judge Advocate's Article 34 Pretrial Advice**
 - **DD Form 490/1, Record of Trial**
 - **DD Form 2707-1, Report of Result of Trial**
 - **Pretrial Agreements**
 - **Master Index of Exhibits**
 - **All Court-Martial Orders**
 - **Protective Orders**
- To date, the JPP has received documents from 2,184 cases

JPP Case Data Management and Analysis System:

- JPP staff worked with WHS Sharepoint contractors to develop a database and document management system to support analysis of case information recorded from case documents.
- JPP staff entered case data into the case management system directly from the records received
- Nationally recognized Criminologist, Dr. Cassia Spohn, Foundation Professor and Director, School of Criminology and Criminal Justice, Arizona State University, has been hired to supplement the JPP staff to provide expert analysis of case data

Data Analysis and Panel Review:

- Panel directs the areas of focus for the data analysis in order to respond to the Congressional tasks related to court-martial data
- JPP Staff provides the Panel with the points of analysis in order for the Panel to identify and review the following:
 - the number of punishments by type
 - the consistency and appropriateness of the decisions as to disposition and punishment
 - the relationship between any trends or data points of interest and the facts of individual cases
 - trends in appellate court decisions related to Article 120 offenses
 - how court-martial sentences compare to punishments rendered in civilian criminal courts
 - issues for further examination to further develop the JPP's trend analysis, findings, and recommendations