

# Judicial Proceedings Panel

Data and Data Analysis

# Outcomes in Database

- Preferred cases that result in conviction (versus dismissal of all charges, not guilty of all charges, alternative disposition for all charges)
  - For Article 120 Sex Offense
    - Art. 120 (a) Rape
    - Art. 120(b) Sexual Assault
    - Art. 120(c) Aggravated Sexual Contact
    - Art. 120(d) Abusive Sexual Contact
    - Aggravated Sexual Assault (2007 Art. 120(c))
    - Wrongful Sexual Contact (2007 Art. 120(m))
  - For Non-Article 120 Sex Offense
    - Forcible Sodomy
    - Non-forcible Sodomy
    - Indecent act
    - Indecent exposure
    - Adultery
    - Attempted Sexual Offenses
  - For Non-sex Offense

# Outcomes in Database

- For offenders who were convicted, type of sentence (adjudged and approved sentence)
  - For those convicted of Art. 120 offenses, other sex offenses, non-sex offenses
- For offenders who were given confinement, length of the sentence
  - For those convicted of Art. 120 offenses, other sex offenses, non-sex offenses

# Complicating Factors

- Accused often charged with multiple counts (range = 1-30; mean = 5.7)
  - Non-sex offenses as well as sex offenses
  - Counts often disposed of in different ways
    - Dismissed, guilty verdicts and not-guilty verdicts in one case
- Offenders often received multiple punishments
  - Confinement
  - Reduction in rank
  - Forfeiture
  - Punitive separation
  - Hard labor/no confinement
  - Reprimand
  - Restriction
- Given this, how best to characterize overall outcome of case and sentence imposed?

# Predictors of Outcomes

- Examine outcomes by
  - Service
  - Year
  - Service by year
  - Forum where case disposed (general court martial v. special court martial)
  - Whether sentence imposed by military judge or panel

# Predictors of Outcomes

- Determine whether outcomes affected by
  - Most serious charge (preferred or convicted)
  - Number of counts
  - Number of victims
  - Victim gender
  - Victim status (military or civilian)
  - Accused rank
  - Type of disposition (GCM v. SCM)
  - Type of forum (military judge v. panel v. summary court officer)
  - Service
  - Year

# Complicating Factors

- Variables not included in database (but shown to be predictive of outcomes in civilian justice system)
  - Relationship between the victim and the accused
  - “Risk-taking behavior” by the victim
    - Especially drinking or using illegal drugs
  - Credibility of the victim
  - Degree of injury to the victim
  - Victim’s willingness to cooperate in investigation and prosecution of accused
  - Delay in reporting
  - Whether victim had a motive to lie
  - Physical evidence
  - Witnesses