

<i>JPP Statutory Task</i>	<i>Proposed Research Questions Related to the JPP Statutory Tasks</i>
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<p>#1</p> <p><i>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.</i></p> <p>Foundational Issues:</p> <ol style="list-style-type: none"> 1. Are sexual assault complaints being resolved at the appropriate level? <ul style="list-style-type: none"> • Based on offense (penetrative v. non-penetrative offenses) • What is the disposition? GCM, SPCM, SCM, Art 15, Admin discharge, other administrative action. 2. Is there consistency in disposition based on type of sexual offense? 3. Is there consistency in punishment based on type of sexual offense? 4. Can the JPP provide a meaningful analysis of whether the decisions and punishments were appropriate and consistent based on the data available? 	<ol style="list-style-type: none"> a. What types of Art 120 offenses were disposed of through general and special court-martial? b. What types of Art 120 offenses were disposed of through NJP or admin action? c. Is there a difference in disposition of Art 120 offenses by Service? <ul style="list-style-type: none"> • Within each Service by year? d. Is there a difference in disposition of Art 120 offenses between officers and enlisted members? <ul style="list-style-type: none"> • By Service? • For enlisted, based on rank? • For officers, based on rank? e. Is there a difference in disposition of Art 120 offenses based on gender of victim? f. How often are sex offense charges preferred and subsequently dismissed? g. In what percentage of cases does the Art 32 IO recommend no Art 120 charges be referred to trial? <ul style="list-style-type: none"> • Of those cases, how often does the CA refer at least one Art 120 charge to CM? • How often does the pretrial advice concur with the Art 32 IO recommendations? h. What percentage of cases where at least one Art 120 charge is preferred is at least one Art 120 charge tried at court-martial? i. Is there a difference in types and amount of punishments adjudged vs. approved in cases where there is a guilty finding on at least one Art 120 offense? j. What is the conviction or acquittal rate for the Art 120 offense charged and the version of the offense charged? (pre-2007, 2007, and 2012 versions)
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	<p>k. How often did the victim appear at the Art 32 hearing, new vs. old version of Art 32?</p> <p>l. How often are Art 120 offenses involved in pretrial agreement terms?</p> <p>m. Where confinement is adjudged, what is the length of the sentence?</p> <ul style="list-style-type: none"> • Where convicted of at least one Art 120 offense? • By most serious Art 120 offense adjudged? • Where only convicted of non-120 offenses? <p>n. Is there disparity in CM punishments where convicted of at least one Art 120 offense based on:</p> <ul style="list-style-type: none"> • forum (judge alone v. panel members)? • branch of Service? <ul style="list-style-type: none"> ○ Within each Served by year? • Whether defendant is officer or enlisted? <ul style="list-style-type: none"> ○ For enlisted, based on rank? ○ For officer, based on rank? • Gender of victim? <p>o. Examine adjudged sentences of Art 120 convictions by particular offense, to include:</p> <ul style="list-style-type: none"> • Rate of BCD in SPCM • Rate of BCD and DD in GCM • Average high and low confinement sentences for each Art 120 offense for each type of court-martial.

<p>#2</p> <p><i>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</i></p> <p>Foundational Issues:</p> <ol style="list-style-type: none"> 1. Are the punishments imposed for Art 120 offenses either harsher or more lenient than would be expected based on the offense(s) charged? 2. How do the punishments imposed for Art 120 offenses by CM compare with punishments for similar offenses at the Federal and State level? 	<ol style="list-style-type: none"> a. Can we identify any discernible trends or predictive factors related to sentence severity, e.g., the accused's rank; the offense(s) charged; the facts and circumstances of the offense, forum, etc? b. How do court-martial sentences for rape, sexual assault, and aggravated sexual assault compare to punishments rendered by State and Federal Courts for similar offenses and offenders?
<p>#3</p> <p><i>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</i></p>	<ol style="list-style-type: none"> a. In what percentage of courts-martial where at least one Art 120 offense is tried is there a guilty finding on at least one Art 120 offense? b. Compare not guilty vs. guilty verdicts on Art 120 offenses in litigated trials. c. How many court-martial punishments for Art 120 offenses were reduced or set aside on appeal?

<p><i>appeal and the instances in which the defendant appealed following a plea agreement, if such information is available</i></p> <p>Foundational Issues:</p> <p>Review the impact of appellate action on courts-martials involving Art 120 charges for FY 14.</p>	<p>d. How many defendants convicted of at least one Art 120 offense appealed their cases, following a plea agreement?</p>
<p><i>#4 Additional areas of focus as determined by the Panel</i></p>	<p>a. What are the common points of case attrition after preferral of charges?</p> <p>b. Are there any discernible trends that correlate to recent changes in military laws and court-martial procedures related to sexual assault cases, e.g. mandatory minimum punishments, or the revised Article 32 hearing rules and procedures?</p>