

# Staff Summary of Reading Materials for JPP Members in Preparation for the September 18th Public Meeting

## Materials Relevant to Courts-Martial Trends Analysis

### 1. 28 U.S.C. § 994 (United States Sentencing Commission) (2 pages)

*Statute describing the duties of the U.S. Sentencing Commission.*

- Subsection (w) mandates that each district court provide the commission, within thirty (30) days of the sentencing court's judgment, with specific descriptive items concerning the offender and a series of documents related to the conviction and sentence

### 2. U.S.S.C. Overview of Federal Criminal Cases for FY 2014 (14 pages)

*Provides an executive overview of the federal criminal sentences adjudged in Fiscal Year 2014.*

- Illustrates the types of reports produced by the U.S.S.C. as well as the crimes making up the vast majority of federal convictions
- Sexual abuse convictions (Felonies and Class A Misdemeanors) include sexual abuse of a minor, transportation of a minor for sex, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact
- Additional federal sentencing statistics are available in the *2014 Sourcebook of Federal Sentencing Statistics* (hereinafter "*Sourcebook*") for reference at the following web address: <http://www.ussc.gov/research-and-publications/annual-reports-sourcebooks/2014/sourcebook-2014>
  - 97.1% of all federal defendants pleaded guilty in FY14. See Figure C in *Sourcebook*
  - Sexual abuse convictions accounted for 0.7% of all Felony and Class A Misdemeanor convictions in FY 2014 (545 out of 75,836 cases). See Table 3 in *Sourcebook*

### 3. U.S.S.C. Preliminary Quarterly Sentencing Update, 2<sup>nd</sup> Quarterly Release (June 2015) (70 pages)

*Representative of the kinds of data compilations made available for the purpose of identifying emerging trends in federal caseloads and sentencing statistics. Note the data contained herein are not final as the Commission continues to receive case information from this quarter.*

### 4. Bureau of Justice Statistics Report on Sex Offenses and Offenders: An analysis of Data on Rape and Sexual Assault (1997) (10 pages)

*This is the most recent compilation of national data on sex-related offenses. BJS drew from over two dozen databases, including self-reported victimization surveys, federal and state inmate surveys, data from the FBI's Uniform Crime Reporting program and the National Judicial Reporting Program to generate this report.*

- This excerpt from a 44-page report displays various Tables depicting the nature of adjudicative data collected on the offense of rape and sexual assault and the lack of the uniformity and depth of information historically available on this category of offenses
- Victims include females age twelve and older
- Studies of this nature, taking a closer look at offense-specific data, are not performed on a recurring basis; since publication of this report, the latest aggregate data on sex

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assault were contained in a 2009 statistical report on felony sentences issued by state courts in 2006 (see BJS Statistical Tables, "Felony Sentences in State Courts, 2006 – Statistical Tables," December 2009)

### **5. Bureau of Justice Statistics Report on Sex Assault of College-Age Females, 1995-2013 (2014) (20 pages)**

*Provides an example of BJS survey data research on topics related to the JPP's tasks.*

- Compares the National Crime Victimization Survey with other survey methods to explain how surveys can yield different data points on sex assault victimization (p.2)
- Tables in this report focus on common characteristics of victim, offense, and offender

### **6. Bureau of Justice Statistics Report: Profile of Intimate Partner Violence Cases in Large Urban Counties in 2002 (2009) (4-page excerpt)**

*Examines domestic violence case outcomes in State courts and characteristics associated with increased likelihood of conviction; provided an example of trends related to the JPP's tasks.*

- Tables selected for this excerpt display adjudication outcomes, sentences, and case characteristics for offenses of domestic violence, which include sexual abuse of a domestic partner or child
- Based on data collected in the BJS study, *Processing of Domestic Violence Cases in State Courts*; includes data from 16 large urban counties

### **7. Race and Prosecution in Manhattan, The Vera Institute (July 2014) (10 pages)**

*Illustrates the process by which researchers examine factors relevant to criminal case outcomes. The Vera Institute is a non-profit organization that partners with governmental agencies to evaluate the impacts of criminal justice policies through empirical research.*

- Analyzes decision points in the legal processing of criminal cases including case acceptance, filing of charges, pretrial detention, plea offers, and sentencing
- Methodology, on p. 4, incorporates both data analysis and field interviews with practitioners; the findings highlight that results are strongest when studies of this nature focus on one specific type of offense (e.g., drug offenses)

### **8. Policing and Prosecuting Sexual Assault in Los Angeles City and County, Dr. Cassia Spohn and Dr. Katharine Tellis (2012) (EXSUM and Summary of Findings, 16 pages)**

*Analyzes trends in sex assault cases before they reach the judicial process, from police investigation and arrest to the decision to pursue or dismiss charges. The JPP's analysis will use a similar data set and focus on successive steps in the adjudicative process for the military.*

- Provides an example of a process for analyzing trends in case adjudication or attrition at critical decision points.
- Authors reviewed investigative files and conducted numerous field interviews with detectives, prosecutors, and victims in order to provide context for their results