



Judicial Proceedings Panel
Minutes of January 15, 2016 Public Meeting

AUTHORIZATION: The Judicial Proceedings Since Fiscal Year 2012 Amendments Panel (JPP) is a federal advisory committee established pursuant to Section 576(a)(2) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013, as amended by section 1731(b) of the NDAA for FY 2014 and section 546 of the NDAA for FY 2015, and in accordance with the Federal Advisory Committee Act of 1972, the Government in Sunshine Act of 1976, and governing federal regulations.

EVENT: The JPP held a public meeting on January 15, 2016, from 9:06 a.m. to 2:33 p.m. The Panel concluded its deliberations on the analysis, conclusions, and recommendations received in December 2015 from the JPP Subcommittee regarding Article 120 of the Uniform Code of Military Justice (UCMJ). The Panel also completed its deliberations on its report and recommendations relating to retaliation against victims who report sexual assault crimes in the military.

LOCATION: The meeting was held at the Holiday Inn Arlington, Arlington Ballroom, 4610 N. Fairfax Drive, Arlington, VA 22203.

MATERIALS: A verbatim transcript of the meeting, as well as preparatory materials provided to the JPP members prior to, during, and after the meeting, are incorporated herein by reference and listed individually below. The meeting transcript and materials received by the Panel are available on the JPP website: <http://jpp.whs.mil>.

PARTICIPANTS

Participating JPP Members:

The Honorable Elizabeth Holtzman, Chair
The Honorable Barbara Jones
Mr. Victor Stone
Professor Thomas W. Taylor
Vice Admiral (Retired) Patricia Tracey

Attending JPP Staff:

Colonel Kyle Green, U.S. Air Force, JPP Staff Director
Lieutenant Colonel Kelly McGovern, U.S. Army, JPP Deputy Staff Director
Lieutenant Colonel Glen Hines, U.S. Marine Corps, Branch Chief, JPP Subcommittee
Ms. Nalini Gupta, Attorney-Advisor
Mr. Kirtland Marsh, Attorney-Advisor

Other Participants:

Ms. Maria Fried, Office of General Counsel, Department of Defense (DoD), Designated Federal Officer

Public Comment:

None

MEETING MINUTES

The DFO opened the public meeting at 9:06 a.m. The Honorable Elizabeth Holtzman provided opening remarks, reviewed the tasks of the JPP, and summarized the agenda for the meeting.

Deliberations and Review of the Draft Report on Article 120, Uniform Code of Military Justice

The Panel completed its deliberations on the analysis, conclusions, and recommendations received from the JPP Subcommittee regarding Article 120, UCMJ. The Panel first reviewed each of the seven issues where the Subcommittee recommended statutory and/or regulatory changes regarding Article 120. The Panel discussed each recommendation and also considered public comments regarding the recommendations that had been submitted to the Panel. The Panel voted to adopt each recommendation from the Subcommittee with one modification, which was a word change in the language of a recommended statutory amendment. The Panel then discussed each issue where the Subcommittee recommended no action and voted to accept each of the Subcommittee's recommendations, as modified. The Panel agreed that the staff would incorporate its recommendations into a draft Panel report for review and approval.

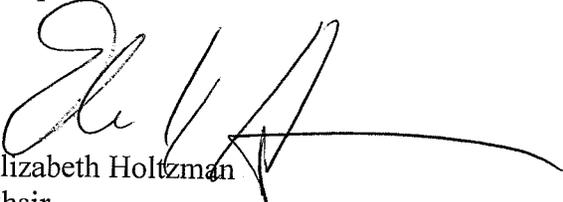
Deliberations and Review of the Draft Report on Retaliation Against Victims who Report Sexual Assault Crimes

The Panel also concluded its deliberations on the assessment of retaliation against those who report sexual assault crimes. Members of the Panel reviewed and discussed a summary of Panel recommendations and a draft report that had been circulated among the Panel members prior to the meeting. The Panel discussed member comments to these draft documents and public comments received regarding retaliation issues. The Panel deliberated on and agreed on the final language for all proposed recommendations. Chair Holtzman instructed the JPP staff to incorporate the Panel's revisions and edits into a draft final report on both topics for the members' review and approval.

The DFO closed the public meeting at 2:33 p.m.

CERTIFICATION

I hereby certify, to the best of my knowledge, the foregoing minutes are accurate and complete.



Elizabeth Holtzman
Chair
Judicial Proceedings Panel

MATERIALS

Meeting Records:

1. Transcript of January 15, 2015 JPP meeting, prepared by Neal R. Gross and Co., Inc.

Read-Ahead Materials Provided Prior to Meeting:

2. Meeting Agenda
3. Summary Materials for JPP Members

Materials Relevant to JPP Subcommittee's Review of Article 120, UCMJ

4. Article 120 Recommendation Summary Final, dated 8 Jan 16
5. Ms. Wine-Banks Email Regarding Issue # 10
6. Information Memorandum: Indecent Acts, by JPP Staff Attorney, Kirt Marsh
7. Information Memorandum: DoD Proposed Indecent Conduct Offense in Article 134, by JPP Staff Attorney, Kirt Marsh

Materials Relevant to the Military Justice review Group

8. Information Memorandum: Selected Proposals of the MJRG Report Relevant to the JPP, by JPP Staff Attorney, Julie Carson
9. Excerpt of MJRG Report: Article 93a, Prohibited Activities with Military Recruit or Trainee by Person in Position of Special Trust
10. Excerpt of MJRG Report: Article 120, Rape and Sexual Assault Generally
11. Excerpt of MJRG Report: Article 132 (new Provision), Retaliation

Materials Provided at the Meeting:

Material Relevant to JPP's Draft Report on Article 120, UCMJ

12. JPP Recommendations on Article 120, UCMJ, draft dated 8 Jan 16

Material Relevant to JPP's Draft Report on Retaliation

13. JPP Recommendations on Retaliation, draft dated 14 Jan 16
14. JPP Report on Retaliation, draft dated 14 Jan 16

Public Comment

15. Public Comment from Protect Our Defenders on Retaliation
16. Public Comment from Protect Our Defenders on Victims' Access to Information and the Privacy Act
17. Public Comment from the Deputy Assistant Judge Advocate General, United States Navy on the Report of the Subcommittee on Article 120, UCMJ, dated 8 Jan 16
18. Public Comment from the Deputy Director (Community Development and Military Justice), Judge Advocate Division, United State Marine Corps on the Report of the Subcommittee on Article 120, UCMJ, dated 14 Jan 16