



Judicial Proceedings Panel  
Minutes of January 22, 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 22, 2016, from 9:00 a.m. to 11:57 a.m. The Panel approved final drafts of JPP reports covering Article 120 of the Uniform Code of Military Justice (UCMJ), restitution and compensation of sexual assault victims in the military, and issues relating to retaliation against individuals who report incidents of sexual assault in the military. The Panel also continued its review of military justice data for adult sexual assault crimes and comparative sentencing schemes.

**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  
Mr. Victor Stone  
Vice Admiral (Retired) Patricia Tracey  
The Honorable Barbara Jones (by phone)  
Professor Thomas W. Taylor (by phone)

### 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  
Ms. Meghan Peters, Attorney-Advisor  
Ms. Stayce Rozell, Senior Paralegal  
Ms. Terri Saunders, Attorney-Advisor

Other Participants:

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

Public Comment:

None

## **MEETING MINUTES**

The DFO opened the public meeting at 9:00 a.m. The Honorable Elizabeth Holtzman provided opening remarks, reviewed the tasks of the JPP, and summarized the agenda for the meeting.

February 2016 JPP Annual Reports: Article 120 of the UCMJ, Restitution and Compensation, and Retaliation

All Panel members agreed and approved the Chair's recommendation to release JPP reports as separate, stand-alone reports. The Panel approved its final draft report on restitution and compensation for victims of sexual assault in the military with no additional edits. The Panel discussed and approved a few minor substantive edits to its report on Article 120 of the UCMJ, and the members then approved the final draft report, as amended. The Panel also deliberated on a few minor substantive edits to its final draft report on retaliation against those who report incidence of sexual assault in the military, and the members then approved the final draft report, as amended.

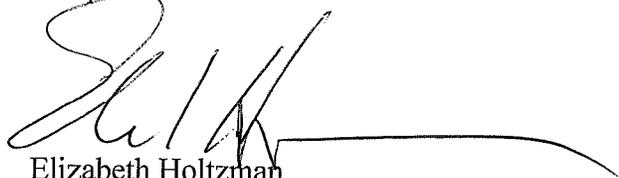
Court-Martial Statistical Data Analysis

The Panel then continued its review of military justice data for adult sexual assault crimes and comparative sentencing schemes. Ms. Peters opened the session with a presentation reviewing the Panel's three congressional tasks and the fundamental analysis issues associated with each task. Dr. Spohn then presented a statistical analysis of the court-martial process, case disposition decisions, and sentences for adult sexual assault offenses for fiscal years 2012 – 2014. Dr. Spohn highlighted those case factors that were statistically significant in her review of case data and those factors that were not statistically significant. Dr. Spohn also explained the limitations of her data review, and she discussed specific examples of case information that would be helpful or required for conducting additional assessment. Ms. Saunders next presented a summary of her review and evaluation of case dispositions to sexual assault crimes by nonjudicial punishment and administrative actions. Finally, Mr. Marsh presented a summary regarding outcomes of the appellate review process of adult sexual assault convictions in the military. The Panel agreed to discuss the information received in deliberations at the next Panel meeting.

The DFO closed the public meeting at 11:57 a.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 22, 2016 JPP meeting, prepared by Neal R. Gross and Co., Inc.

### Read-Ahead Materials Provided Prior to Meeting:

2. Meeting Agenda

### Materials Relevant to JPP Draft Annual Reports on Article 120 and Retaliation

3. JPP Draft Report on Article 120, UCMJ, dated 20 Jan 16
4. JPP Draft Report on Retaliation, dated 20 Jan 16

### Materials Relevant to Statistics and Analysis of Courts-Martial Trends

5. Summary Materials for JPP Members
6. Summary of Courts-Martial Statistics and Analysis
7. Excerpts of SAPRO Case Synopsis for FY 2012, 2013 and 2014
8. U.S. Sentencing Commission Data Analysis for JPP, 10 December 2015
9. Bureau of Justice Statistics Report: Felony Defendants in Large Urban Counties, 2009 – Statistical Tables, December 2013
10. Military Justice Review Group's Proposal: Article 140a – Case Management; Data Collection and Accessibility

### Read-Ahead Materials Provided Day of Meeting:

11. Trends and Statistics: Court-Martial, Slide Presentation by JPP Staff Attorney, Meghan Peters
12. Adjudication of Sexual Assaults Reported in the Military Services, by Dr. Cassia Spohn
13. Sexual Assault in the Military: Case Characteristics & Case Outcomes, Slide Presentation by Dr. Cassia Spohn
14. Trends and Statistics: Non-judicial Punishment and Administrative Actions, Slide Presentation by JPP Staff Attorney, Terri Saunders
15. Trends and Statistics: Appellate Review of Court-Martial Convictions, Slide Presentation by JPP Staff Attorney, Kirt Marsh