



Judicial Proceedings Panel Subcommittee
Minutes of October 14, 2016 Subcommittee Meeting

AUTHORIZATION: The Judicial Proceedings Since Fiscal Year 2012 Amendments Panel (JPP or Panel), 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.

At the Secretary of Defense's direction, the JPP Subcommittee (the Subcommittee) has been established under the JPP. The JPP tasked the Subcommittee to conduct site visits at military installations throughout the United States and Asia for the purpose of gathering information on the military's handling of sexual assault litigation from the men and women who are actually investigating, litigating, and supporting these cases. In an effort to provide an accurate assessment of the results from the site visits, the Subcommittee requested additional information to fully inform its recommendations to the JPP.

EVENT: The JPP Subcommittee held a meeting on October 14, 2016, from 12:28 p.m. to 3:05 p.m., to discuss the Subcommittee's preference on how to proceed with providing installation site visit information to the JPP for their consideration.

LOCATION: The meeting was held at the Judicial Proceedings Panel Office, 875 North Randolph Street, Suite 150, Arlington, Virginia, 22203.

MATERIALS: A verbatim transcript of the meeting, as well as preparatory materials provided to the JPP Subcommittee members prior to, during and after the meeting, are incorporated herein by reference and listed individually below.

PARTICIPANTS

Participating JPP Subcommittee Members:

The Honorable Barbara Jones, Chair
The Honorable Elizabeth Holtzman
Ms. Laurie R. Kepros
Dean Lisa N. Schenck
Brigadier General (Retired) James R. Schwenk, U.S. Marine Corps
Ms. Jill Wine-Banks

Absent JPP Subcommittee Members:

Ms. Lisa M. Friel
Professor Lee D. Schinasi

Participating JPP Staff:

Captain Tammy Tideswell, U.S. Navy, JPP Staff Director
Lieutenant Colonel Patricia Lewis, U.S. Army, JPP Deputy Staff Director

Ms. Terri Saunders, JPP Staff Attorney
Ms. Meghan Peters, JPP Staff Attorney
Ms. Stayce Rozell, JPP Senior Paralegal and Meeting Recorder

Other Participants:

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

MEETING MINUTES

The DFO opened the meeting at 12:28 p.m.

Deliberations

The Subcommittee members began their deliberations by discussing information received during the installation site visits. The Subcommittee members discussed whether they simply wanted to present the information gathered during the site visits to the JPP, but ultimately decided there were several topics for which they needed additional information in order to provide the JPP with its analysis and recommendations. Topics the Subcommittee wanted additional information on included defense counsel resources, sexual assault investigations, Article 32 hearings, the special victims' counsel program, expedited transfer, and the perceived high acquittal rate for military sexual assault cases. Ms. Holtzman suggested that the Subcommittee provide reports to the JPP on individual topics, rather than delay by writing a large report covering all of the topics identified. The other Subcommittee members present agreed that this was a good way to proceed. The DFO agreed the Subcommittee had the latitude and discretion to obtain additional information into these topics for the purpose of reporting back to the JPP.

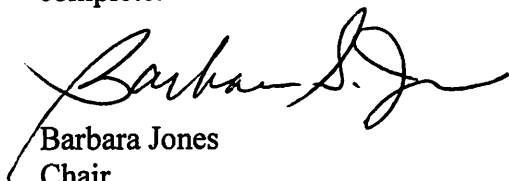
It was mentioned that during the September 2016 Subcommittee preparatory session, the Subcommittee members reviewed the list of topics for which the Subcommittee received information on the site visits and the Subcommittee prioritized and organized them. The Subcommittee members discussed the list of issues and decided the first issue they wanted to concentrate on was the perceived high acquittal rate in sexual assault cases. Judge Jones asked the staff to put together materials and information from records of trial and other sources to shed some light on acquittal cases. Ms. Peters also discussed the JPP's data report released in April 2016 which discussed fiscal year 2012 through 2014 court-martial data from the Services. It was determined the staff would request court-martial conviction and acquittal data in sexual assault cases for fiscal year 2016 from the Services.

The Subcommittee members also considered obtaining information about prosecution standards in the military and ethical standards, both military and state, that apply to counsel and staff judge advocates. They also asked the staff to arrange for them to hear from a representative of the Military Justice Review Group about the pending Military Justice Act. The Subcommittee members concluded that they had enough information to produce a report on defense counsel resources.

The DFO closed the meeting at 3:05 p.m.

CERTIFICATION

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



Barbara Jones

Chair

Judicial Proceedings Panel Subcommittee

MEETING MATERIALS:

1. Subcommittee Meeting Table of Contents
2. Summary of Issues and Themes Identified During JPP Subcommittee Site Visits
3. Executive Summary of Military Installation Site Visits (Draft)
4. Summarized Transcript from September 23, 2016 JPP Subcommittee Preparatory Meeting on Site Visit Presentation
5. Site Visit Trip Report from Naval Station Norfolk, Virginia
6. Site Visit Trip Report from Joint Base Langley-Eustis, Virginia
7. Site Visit Trip Report from Fort Carson and U.S. Air Force Academy, Colorado
8. Site Visit Trip Report from Fort Bragg and Camp Lejeune, North Carolina
9. Site Visit Trip Report from Marine Corps Recruiting Depot, California
10. Site Visit Trip Report from Naval Base San Diego, California
11. Site Visit Trip Report from Joint Base Andrews, Maryland
12. Site Visit Trip Report from U.S. Naval Academy, Annapolis, Maryland
13. Site Visit Trip Report from Camp Humphreys, Republic of Korea (Draft)
14. Site Visit Trip Report from Camp Butler, Okinawa, Japan (Draft)