

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Clemency and Parole Boards

64a. Complete the following table based on the Service's Clemency and Parole Board (C&PB):

Questions:	FY12	FY 13	FY 14
(1) Total cases reviewed by the C&PB:			
(2) Total number of cases reviewed that resulted in clemency and/or parole:			
(3) Number of cases involving adult sexual assault convictions that were reviewed by the C&PB:			
(4) Number of cases involving adult sexual assault that resulted in clemency and/or parole:			
(5) Number of cases identified in (4) where the sentence was reduced:			
(6) Number of cases involving adult sexual assault where the victim participated in the C&PB process:			

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Clemency and Parole Boards

64a. Complete the following table based on the Service's Clemency and Parole Board (C&PB):

Questions:	FY12	FY 13	FY 14
(1) Total cases reviewed by the C&PB:	870	906	882
(2) Total number of cases reviewed that resulted in clemency and/or parole:	13 Clemency 26 Parole	15 Clemency 33 Parole	8 Clemency 22 Parole
(3) Number of cases involving adult sexual assault convictions that were reviewed by the C&PB:	99	90	91
(4) Number of cases involving adult sexual assault that resulted in clemency and/or parole:	1 Clemency 4 Parole	2 Clemency 6 Parole	3 Parole
(5) Number of cases identified in (4) where the sentence was reduced:	1	2	0
(6) Number of cases involving adult sexual assault where the victim participated in the C&PB process:	26	21	25

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Clemency and Parole Boards

64a. Complete the following table based on the Service's Clemency and Parole Board (C&PB):

Questions:	FY12	FY 13	FY 14
(1) Total cases reviewed by the C&PB:	776	765	732
(2) Total number of cases reviewed that resulted in clemency and/or parole:	14 Clem: 23 Parole: 37	15 Clem: 19 Parole: 34	10 Clem: 24 Parole: 34
(3) Number of cases involving adult sexual assault convictions that were reviewed by the C&PB:	98	105	138
(4) Number of cases involving adult sexual assault that resulted in clemency and/or parole:	00 Clem: 06 Parole: 6	01 Clem: 06 Parole: 7	01 Clem: 01 Parole: 2
(5) Number of cases identified in (4) where the sentence was reduced:	0	1	1
(6) Number of cases involving adult sexual assault where the victim participated in the C&PB process:	7	8	8

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Air Force

Air Force Responses

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The data requested from the Clemency and Parole Board are readily available, since they are actively tracked as elements of the case. The Discharge Review Board and BCMR do not track these data elements. Where available, the data from these two boards are provided below.

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Clemency and Parole Boards

64a. Complete the following table based on the Service’s Clemency and Parole Board (C&PB):

Questions:	FY12	FY 13	FY 14
(1) Total cases reviewed by the C&PB:	695	657	650
(2) Total number of cases reviewed that resulted in clemency and/or parole:	29	32	40
(3) Number of cases involving adult sexual assault convictions that were reviewed by the C&PB:	47	53	57
(4) Number of cases involving adult sexual assault that resulted in clemency and/or parole:	7	3	5
(5) Number of cases identified in (4) where the sentence was reduced:	2	1	1
(6) Number of cases involving adult sexual assault where the victim participated in the C&PB process:	11	15	11

RFI 64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Clemency and Parole Boards

64a. Complete the following table based on the Service's Clemency and Parole Board (C&PB):

64b. For all adult sexual assault cases where the C&PB reviewed in FY12-14 and reduced the sentence, please provide:

- Case name,
- Adjudged and approved sentence, and
- Final sentence after either clemency or parole was granted by the C&PB.

RESPONSE:

64a. and 64b. Per a memorandum of agreement with the U.S. Navy, the Navy's Clemency and Parole Board is responsible for processing, reviewing, and determining all Coast Guard prisoners' requests for parole and the mandatory supervised release program. As such, the Coast Guard defers to the Navy with respect to Q64a and Q64b.

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Clemency and Parole Boards

64b. For all adult sexual assault cases where the C&PB reviewed in FY12 – 14 and reduced the sentence, please provide:

- Case name,
- Adjudged and approved sentence, and
- Final sentence after either clemency or parole was granted by the C&PB.

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Clemency and Parole Boards

64b. For all adult sexual assault cases where the C&PB reviewed in FY12 – 14 and reduced the sentence, please provide:

- Case name,
- Adjudged and approved sentence, and
- Final sentence after either clemency or parole was granted by the C&PB.

NAME	FISCAL YEAR	SENTENCE ADJUDGED DATE	ADJUDGED SENTENCE	FINAL CLEMENCY SENTENCE
Cromartie, Stephen	2012	1 Apr 87	30 years Total Forfeitures Reduction to E-1 Dishonorable Discharge	25 years, 5 months Total Forfeitures Reduction to E-1 Dishonorable Discharge
Rogers, Rickey	2013	8 Mar 82	40 years Total Forfeitures Reduction to E-1 Dishonorable Discharge	35 years Total Forfeitures Reduction to E-1 Dishonorable Discharge
Clark, Roderick	2013	23 Oct 84	50 years Total Forfeitures Reduction to E-1 Dishonorable Discharge Prior sentence reductions: 17 AUG 90: 2 years (48 yrs) 14 AUG 92: 3 years (45 yrs) 29 JUL 94: 5 years (40 yrs) 12 MAY 95: 5 years (35yrs)	32 years Total Forfeitures Reduction to E-1 Dishonorable Discharge

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Clemency and Parole Boards

64b. For all adult sexual assault cases where the C&PB reviewed in FY12 – 14 and reduced the sentence, please provide:

- Case name,
- Adjudged and approved sentence, and
- Final sentence after either clemency or parole was granted by the C&PB.

2014

United States v. Black, Cassidy L. (USMC)

Adjudged: BCD, 12 mos cnft and RIR (E-1).

CA: BCD, 12 mos cnft and RIR (E-1).

NC&PB: Clemency Granted in the form of a one month reduction of sentence to confinement.

2013

United States v. Schultz, Randy E. (USN)

Adjudged: DD, 40 yrs cnft, FAPA and RIR (E-1).

CA: DD, 40 yrs cnft, FAPA and RIR (E-1).

NC&PB: Clemency granted by ASN (M&RA) in the form of sentence remitted to time served. Federal Parole since 19Dec2003.

Air Force Responses

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The data requested from the Clemency and Parole Board are readily available, since they are actively tracked as elements of the case. The Discharge Review Board and BCMR do not track these data elements. Where available, the data from these two boards are provided below.

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Clemency and Parole Boards

64b. For all adult sexual assault cases where the C&PB reviewed in FY12 – 14 and reduced the sentence, please provide:

- Case name,
- Adjudged and approved sentence, and
- Final sentence after either clemency or parole was granted by the C&PB. United States v. Kenneth Robinson

Adjudged and approved sentence: Bad conduct discharge, confinement for 14 months and 15 days, reduction to grade of E-1

Final sentence after clemency: Bad conduct discharge, confinement for 13 months and 15 days, reduction to grade of E-1

United States v. Leonard Page

Adjudged and approved sentence: Dishonorable discharge, confinement for 22 years, forfeiture of all pay and allowances, reduction to grade of E-1

Final sentence after clemency: Dishonorable discharge, confinement for 21 years and 9 months, forfeiture of all pay and allowances, reduction to grade of E-1

United States v. William Marr

Adjudged and approved sentence: Dishonorable discharge, confinement for 8 years, forfeiture of all pay and allowances, reduction to the grade of E-1

Final sentence after clemency: Dishonorable discharge, confinement for 7 years, forfeiture of all pay and allowances, reduction to the grade of E-1

United States v. Gerald Mobley

Adjudged and approved sentence: Dishonorable discharge, confinement for life, forfeiture of all pay and allowances, reduction to the grade of E-1

Final sentence after clemency: Dishonorable discharge, confinement for 98 years, forfeiture of all pay and allowances, reduction to the grade of E-1

RFI 64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Clemency and Parole Boards

64a. Complete the following table based on the Service's Clemency and Parole Board (C&PB):

64b. For all adult sexual assault cases where the C&PB reviewed in FY12-14 and reduced the sentence, please provide:

- Case name,
- Adjudged and approved sentence, and
- Final sentence after either clemency or parole was granted by the C&PB.

RESPONSE:

64a. and 64b. Per a memorandum of agreement with the U.S. Navy, the Navy's Clemency and Parole Board is responsible for processing, reviewing, and determining all Coast Guard prisoners' requests for parole and the mandatory supervised release program. As such, the Coast Guard defers to the Navy with respect to Q64a and Q64b.

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Discharge Review Boards and Boards for Correction of Military Records

64c. Complete the following table based on the Service's Discharge Review Board (DRB) and Board for Correction of Military Records (BCMR):

Questions	FY12	FY 13	FY 14
(1) Total requests for discharge upgrades reviewed by the DRB:			
(2) DRB requests that involved a discharge based on an administrative separation for sexual assault:			
(3) Number of cases involving adult sexual assault where the DRB granted a discharge upgrade:			
(4) Total applications reviewed by the BCMR:			
(5) Number of BCMR applications that requested an upgrade to an administrative discharge based on an adult sexual assault:			
(6) Number of upgrades granted by the BCMR to administrative discharges based on an adult sexual assault:			
(7) Number of BCMR applications that requested record changes relating to court-martial sentence (all crimes):			
(8) Number of BCMR applications identified in (7) that resulted in an upgrade to the punitive discharge:			
(9) Number of BCMR cases that requested relief from a court-martial sentence for adult sexual assault charges:			
(10) Number of BCMR applications identified in (9) that resulted in an upgrade to the punitive discharge:			

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Discharge Review Boards and Boards for Correction of Military Records

64c. Complete the following table based on the Service's Discharge Review Board (DRB) and Board for Correction of Military Records (BCMR):

Questions	FY12	FY 13	FY 14
(1) Total requests for discharge upgrades reviewed by the DRB:	3028	2319	1809
(2) DRB requests that involved a discharge based on an administrative separation for sexual assault:	*	*	*
(3) Number of cases involving adult sexual assault where the DRB granted a discharge upgrade:	*	*	*
(4) Total applications reviewed by the BCMR:	9314	8371	9130
(5) Number of BCMR applications that requested an upgrade to an administrative discharge based on an adult sexual assault:	*	*	*
(6) Number of upgrades granted by the BCMR to administrative discharges based on an adult sexual assault:	*	*	*
(7) Number of BCMR applications that requested record changes relating to court-martial sentence (all crimes):	127	96	88
(8) Number of BCMR applications identified in (7) that resulted in an upgrade to the punitive discharge:	1	0	0
(9) Number of BCMR cases that requested relief from a court-martial sentence for adult sexual assault charges:	*	*	*
(10) Number of BCMR applications identified in (9) that resulted in an upgrade to the punitive discharge:	*	*	*

* The case tracking system used by DRB and BCM/R does not track the information sought in this RFI. While the tracking system tracks large identifiers such as an administrative discharge or relief relating to a court-martial sentence, it does not track the underlying conduct for the administrative discharge or court-martial in these individual cases. Additionally, the tracking system does not have a word search capability to query the decisional documents stored on the database. Obtaining the information sought in these questions would require an individual review of the decisional document in thousands of cases. Such a review would entail significant expense, time, and manpower. The DRB and BCM/R will research and find a means to identify and track cases that are received going forward that involve the specific issues sought in these questions for future reports.

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Discharge Review Boards and Boards for Correction of Military Records

64c. Complete the following table based on the Service's Discharge Review Board (DRB) and Board for Correction of Military Records (BCMR):

Questions	FY12	FY 13	FY 14
(1) Total requests for discharge upgrades reviewed by the DRB:	2677	2213	2268
(2) DRB requests that involved a discharge based on an administrative separation for sexual assault:	13	17	16
(3) Number of cases involving adult sexual assault where the DRB granted a discharge upgrade:	2	2	1
(4) Total applications reviewed by the BCMR:	*	*	*
(5) Number of BCMR applications that requested an upgrade to an administrative discharge based on an adult sexual assault:	*	*	*
(6) Number of upgrades granted by the BCMR to administrative discharges based on an adult sexual assault:	*	*	*
(7) Number of BCMR applications that requested record changes relating to court-martial sentence (all crimes):	*	*	*
(8) Number of BCMR applications identified in (7) that resulted in an upgrade to the punitive discharge:	*	*	*
(9) Number of BCMR cases that requested relief from a court-martial sentence for adult sexual assault charges:	*	*	*
(10) Number of BCMR applications identified in (9) that resulted in an upgrade to the punitive discharge:	*	*	*

*The case tracking system used by the Board for Correction of Naval Records does not track cases with the level of detail sought in these questions. Our tracking system does currently capture cases with larger identifiers, such as administrative discharge or relief relating to a court-martial sentence. However, our tracking system does not identify the underlying conduct for the administrative discharge or court-martial in these individual cases. Additionally, our current tracking system does not have a word search capability to query the decisional documents stored on the database. Obtaining the information sought in these questions would thus require an individual review of the decisional document in thousands of cases. This individual review would entail significant expense, time, and manpower. The only other option would be a search of the DRB and BCM/NR cases posted to the DoD Reading Room by each Military Department. However, searching this database with terms such as "sexual assault" or "adult sexual assault" would not capture every case and could result in unreliable data. Also, as mentioned above, this process would also require an individual review of each case which would be time and cost prohibitive.

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Air Force

Air Force Responses

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The data requested from the Clemency and Parole Board are readily available, since they are actively tracked as elements of the case. The Discharge Review Board and BCMR do not track these data elements. Where available, the data from these two boards are provided below.

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Discharge Review Boards and Boards for Correction of Military Records

64c. Complete the following table based on the Service’s Discharge Review Board (DRB) and Board for Correction of Military Records (BCMR):

Questions	FY12	FY 13	FY 14
(1) Total requests for discharge upgrades reviewed by the DRB:	638	859	772
(2) DRB requests that involved a discharge based on an administrative separation for sexual assault:	Do not track	Do not track	Do not track
(3) Number of cases involving adult sexual assault where the DRB granted a discharge upgrade:	Do not track	Do not track	Do not track
(4) Total applications reviewed by the BCMR:	6,069	6,220	5,519
(5) Number of BCMR applications that requested an upgrade to an administrative discharge based on an adult sexual assault:	Do not track	Do not track	Do not track
(6) Number of upgrades granted by the BCMR to administrative discharges based on an adult sexual assault:	Do not track	Do not track	Do not track
(7) Number of BCMR applications that requested record changes relating to court-martial sentence (all crimes):	62	72	85
(8) Number of BCMR applications identified in (7) that resulted in an upgrade to the punitive discharge:	0*	1	0

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief

Air Force

(9) Number of BCMR cases that requested relief from a court-martial sentence for adult sexual assault charges:	Do not track	Do not track	Do not track
(10) Number of BCMR applications identified in (9) that resulted in an upgrade to the punitive discharge:	Do not track	Do not track	Do not track

64c.

Lines 2 & 3: "Sexual assault" became a basis for discharge in AFI 36-3208, Change 7 (2 July 2013). The DRB has no way of pulling this data from our database without reviewing each case processed during the requested timeframe. We have updated the database and added sexual assault as a new index number (basis of discharge) as a way to track these cases in the future.

Line 5: The AFBCMR has no way of pulling these data from our database without reviewing, by hand, each administrative discharge case processed during the requested timeframe

Line 6: The AFBCMR has no way of pulling these data from our database without reviewing, by hand, each administrative discharge case processed during the requested timeframe

Line 8: 2012: Board voted 2-1 to Grant upgrade, but decision overturned (Denied) by SAF/MR; of the 62 cases 62 were adjudicated

2013: Upgraded to UOTHC (Clemency); of the 72 cases 69 have been adjudicated

2014: Of the 86 received, only 10 have been adjudicated

Line 9: The AFBCMR has no way of pulling these data from our database without reviewing, by hand, each court martial case processed during the requested timeframe

Line 10: The AFBCMR has no way of pulling these data from our database without reviewing, by hand, each court martial case processed during the requested timeframe

RFI 64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Discharge Review Boards and Boards (or Correction of Military Records

RFI 64c. Complete the following table based on the Service's Discharge Review Board (DRB) and Board for Correction of Military Records (BCMR):

RESPONSE:

Questions	FY12	FY13	FY14
(1) Total requests for discharge upgrades reviewed by the	110	82	77
(2) DRB requests that involved a discharge based on an administrative separation for sexual assault:	1	0	1
(3) Number of cases involving adult sexual assault where	0	0	0
(4) Total applications reviewed by the BCMR:	222	226	178
Number of BCMR applications that requested an upgrade to an administrative discharge based on an adult sexual assault:	1	2	1
(6) Number of upgrades granted by the BCMR to administrative discharges based on an adult sexual assault:	0	0	0
(7) Number of BCMR applications that requested record changes relating to court-martial sentence (all crimes):	0	0	1
(8) Number of BCMR applications identified in (7) that resulted in an upgrade to the punitive discharge:	0	0	0
(9) Number of BCMR cases that requested relief from a court-martial sentence for adult sexual assault charges:	0	0	0
(10) Number of BCMR applications identified in (9) that resulted in an upgrade to the punitive discharge:	0	0	0

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Habeas Petitions

64d. Complete the following table based on habeas petitions received by the Service:

Questions	FY12	FY 13	FY 14
(1) Number of Service members convicted of a sexual assault offense who filed habeas petition regarding court-martial sentence in Federal Court:			
(2) Number of cases where Federal Court grant relief to habeas petitions involving adult sexual assault convictions:			

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Habeas Petitions

64d. Complete the following table based on habeas petitions received by the Service:

Questions	FY12	FY 13	FY 14
(1) Number of Service members convicted of a sexual assault offense who filed habeas petition regarding court-martial sentence in Federal Court:	0	1	1
(2) Number of cases where Federal Court grant relief to habeas petitions involving adult sexual assault convictions:	0	0	0

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Habeas Petitions

64d. Complete the following table based on habeas petitions received by the Service:

Questions	FY12	FY 13	FY 14
(1) Number of Service members convicted of a sexual assault offense who filed habeas petition regarding court-martial sentence in Federal Court:	0	0	0
(2) Number of cases where Federal Court grant relief to habeas petitions involving adult sexual assault convictions:	0	0	0

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Air Force

Air Force Responses

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Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Habeas Petitions

64d. Complete the following table based on habeas petitions received by the Service:

Questions	FY12	FY 13	FY 14
(1) Number of Service members convicted of a sexual assault offense who filed habeas petition regarding court-martial sentence in Federal Court:	1 with adult victim 3 with child victims	0	1 with adult victim 1 with child victim
(2) Number of cases where Federal Court grant relief to habeas petitions involving adult sexual assault convictions:	0	0	0

RFI 64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Habeas Petitions

RFI 64d. Complete the following table based on habeas petitions received by the Service:

RESPONSE:

Questions	FY12	FY13	FY14
(1) Number of Service members convicted of a sexual assault offense who filed habeas petition regarding court-martial sentence in Federal Court:	0	0	0
(2) Number of cases where Federal Court grant relief to habeas petitions involving adult sexual assault convictions:	0	0	0

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Article 69 Review

64e. Complete the following table based on the Office of The Judge Advocate General's review:

Questions	FY12	FY 13	FY 14
(1) Number of cases involving Service members convicted of an adult sexual assault offense that were reviewed pursuant to Article 69 of the UCMJ:			
(2) Number of cases where findings (only) were modified pursuant to Article 69 in an adult sexual assault case:			
(3) Number of cases where the sentence (only) was modified pursuant to Article 69 in an adult sexual assault case:			
(4) Number of cases where both the findings and sentence were modified pursuant to Article 69 in an adult sexual assault case:			

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Article 69 Review

64e. Complete the following table based on the Office of The Judge Advocate General's review:

Questions	FY12	FY 13	FY 14
(1) Number of cases involving Service members convicted of an adult sexual assault offense that were reviewed pursuant to Article 69 of the UCMJ:	2	1	17
(2) Number of cases where findings (only) were modified pursuant to Article 69 in an adult sexual assault case:	0	0	0
(3) Number of cases where the sentence (only) was modified pursuant to Article 69 in an adult sexual assault case:	0	0	0
(4) Number of cases where both the findings and sentence were modified pursuant to Article 69 in an adult sexual assault case:	0	0	0

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Suspense to JPP: January 15, 2015

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Article 69 Review

64e. Complete the following table based on the Office of The Judge Advocate General's review:

Questions	FY12	FY 13	FY 14
(1) Number of cases involving Service members convicted of an adult sexual assault offense that were reviewed pursuant to Article 69 of the UCMJ:	4	2	10
(2) Number of cases where findings (only) were modified pursuant to Article 69 in an adult sexual assault case:	0	0	0
(3) Number of cases where the sentence (only) was modified pursuant to Article 69 in an adult sexual assault case:	0	0	0
(4) Number of cases where both the findings and sentence were modified pursuant to Article 69 in an adult sexual assault case:	0	0	0

JPP RFI Set 2, Attachment 5
Data for Other Avenues of Relief
Air Force

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The data requested from the Clemency and Parole Board are readily available, since they are actively tracked as elements of the case. The Discharge Review Board and BCMR do not track these data elements. Where available, the data from these two boards are provided below.

Q64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Article 69 Review

64e. Complete the following table based on the Office of The Judge Advocate General’s review:

*Currently, we do not track the type of cases that are receiving 69(a) and 69(b) reviews – we only have the overall numbers for the fiscal year. We are not aware of a single sexual assault case for FY12-FY14 where the findings or sentence were modified during the 69(a) or 69(b) process.

Questions	FY12	FY 13	FY 14
(1) Number of cases involving Service members convicted of an adult sexual assault offense that were reviewed pursuant to Article 69 of the UCMJ:	44 - 69(a) 9 - 69 (b)	55- 69(a) 1 - 69 (b)	29 - 69(a) 3 - 69 (b)
(2) Number of cases where findings (only) were modified pursuant to Article 69 in an adult sexual assault case:	0	0	0
(3) Number of cases where the sentence (only) was modified pursuant to Article 69 in an adult sexual assault case:	0	0	0
(4) Number of cases where both the findings and sentence were modified pursuant to Article 69 in an adult sexual assault case:	0	0	0

RFI 64. Data for Other Avenues of Relief in Adult Sexual Assault Cases:

Article 69 Reviews

RFI 64e. Complete the following table based on the Office of The Judge Advocate General's review:

RESPONSE:

Questions	FY12	FY13	FY 14
(1) Number of cases involving Service members convicted of an adult sexual assault offense that were reviewed pursuant to Article 69 of the UCMJ:	9	0 (2 pending)	2 (10 pending)
(2) Number of cases where findings (only) were modified pursuant to Article 69 in an adult sexual assault case:	0	0	0
(3) Number of cases where the sentence (only) was modified pursuant to Article 69 in an adult sexual assault case:	0	0	0
(4) Number of cases where both the findings and sentence were modified pursuant to Article 69 in an adult sexual assault case:	1	0	0