



JUDICIAL PROCEEDINGS PANEL ON SEXUAL ASSAULT IN THE MILITARY

<http://jpp.whs.mil>

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FOR IMMEDIATE RELEASE

The Second Public Meeting of the Judicial Proceedings Panel on Sexual Assault in the Military was Held on September 19, 2014 in Arlington, VA.

Arlington, VA - The second meeting of the Judicial Proceedings Panel on Sexual Assault in the Military (JPP) was held on Friday September 19, 2014, at the Holiday Inn Arlington at Ballston. The meeting focused on recent and proposed changes by Congress to the rape and sexual assault provisions of the Uniform Code of Military Justice (UCMJ), which governs crimes committed by active duty members of the Armed Forces as well as Reserve and National Guard members when in active duty status.

During the morning session, the Panel continued its assessment of Article 120 of the UCMJ, which encompasses the Code's provisions for rape and sexual assault offenses. The Panel first heard testimony from authorities with substantial expertise and experience in military justice, who discussed the statutory provisions and implementation guidance for the current version of Article 120, which was enacted in 2012. Next, the Panel heard from current and former military prosecutors and defense counsel to understand how rape and sexual assault prosecutions are working today.

Following a break for lunch, the Panel's afternoon sessions focused on whether Article 120 should be revised to incorporate a strict liability standard for superiors who abuse their power through sexual relationships with subordinate Service members. Congresswoman Jackie Speier (D-14th CA) and Congresswoman Lois Frankel (D-22nd FL) provided their perspectives about the scope of the problem in military training environments and the inability to adequately prosecute superior-subordinate offenses under Article 120. Representative Frankel was accompanied by a constituent from her district, who described being sexually abused as a U.S. Coast Guard trainee by her basic training instructor. Although her trainer was ultimately convicted at court-martial for his actions against her and other trainees, she expressed great concern that he was not convicted of any sexual offenses. The Panel then heard from senior military practitioners, who discussed how abuse-of-power offenses are currently prosecuted under the UCMJ and what impact a strict liability provision would have on the prosecution of offenses committed by trainers with trainees or superiors with subordinates.

In the last session of the day, the Panel heard from the chiefs of the criminal law and military justice divisions of each of the Services. The presenters discussed Service policy perspectives on the prosecution of Article 120 offenses and updated the Panel on the status of Executive Order guidance for the 2012 version of Article 120.

This meeting was held as part of the JPP's congressionally mandated mission to comprehensively review and assess military judicial proceedings for sexual assault offenses and the impact that changes made by Congress to the sexual assault provisions of the UCMJ in 2012 have had on sexual assault cases. The next meeting of the Panel is scheduled for October 10, 2014. The JPP will continue its work through September 2017 and will provide reports and assessments to the Secretary of Defense and Congress.

For more information about the Judicial Proceedings Panel and future meetings visit the website, <http://jpp.whs.mil>. Requests to make public comment, submission of written comments or materials for the Panel's consideration and any other inquiries may be directed to Ms. Julie Carson at whs.pentagon.em.mbx.judicial-panel@mail.mil or (703) 693-3849.