



JUDICIAL PROCEEDINGS PANEL

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FOR IMMEDIATE RELEASE

The Judicial Proceedings Panel Releases Its Report on Sexual Assault Investigations in the Military

Arlington, VA – The Judicial Proceedings Since Fiscal Year 2012 Amendments Panel (JPP) has released a report identifying a number of obstacles faced by military investigators as they seek to conduct effective sexual assault investigations. On the basis of information received from the JPP Subcommittee and its own deliberations, the JPP made recommendations in five areas.

First, the JPP found that current practices of military investigators discourage or prohibit them from asking “confrontational” questions during victim interviews and from conducting follow-up interviews, and as a result they have difficulties in obtaining important details and building rapport with victims. The JPP recommended that the Secretary of Defense identify and remove barriers to the thorough questioning of a sexual assault victim by law enforcement agencies.

Second, the JPP found that the initial investigative interviews of victims are substantially delayed, often because victims’ counsel are not available. To address this issue, the JPP recommended that the Secretary of Defense take the necessary steps to ensure that victims’ counsel have the resources to schedule and attend the initial victim interview promptly after a report of sexual assault, and that they receive the training necessary to recognize the importance to the investigation of a prompt initial victim interview.

Third, the JPP found that investigators have difficulty voluntarily obtaining sexual assault victims’ cell phones or other digital devices, which often contain important evidence. To correct this problem, the JPP recommended that the Secretary of Defense remove impediments to military investigators obtaining tangible and digital evidence from sexual assault victims and develop appropriate remedies to address victims’ concerns about turning over digital evidence.

Fourth, the JPP found that the length of time required to obtain test results from military forensic laboratories unduly prolongs sexual assault investigations. To address this problem, the JPP recommended that the Secretary of Defense review the resources, staffing, procedures, and policies at forensic laboratories within the Department to ensure expeditious testing of evidence.

Fifth, the JPP found that because military investigators are required to investigate all sexual assault allegations, including sexual contact offenses, they are often spread too thin and lack the time and resources necessary to fully prepare a case for prosecution. In order to ensure that military investigators can focus their expertise on the most serious and complicated sexual assault cases, the JPP recommended that the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces, monitor the effects of the recently promulgated

Department of Defense policy allowing Service law enforcement agencies to assist the investigators in military criminal investigative organizations with sexual assault investigations.

The report grew out of the site visits conducted from July to September 2016 by members of the JPP Subcommittee, who visited military installations in the United States and Asia. The JPP Subcommittee met with panels of more than 280 individuals from 25 military installations and all of the military Services, including prosecutors, defense counsel, special victims' counsel/victims' legal counsel, paralegals, commanders, investigators, sexual assault response coordinators and other victim support personnel. These individuals spoke without attribution so that the JPP Subcommittee could gain an unfiltered, candid assessment of how changes in sexual assault laws and policies have, in their view, affected the military justice system.

The Judicial Proceedings Panel is an independent federal advisory committee tasked with conducting an independent review and assessment of military judicial proceedings for sexual assault offenses since Fiscal Year 2012, for the purpose of developing recommendations to Congress and the Secretary of Defense for improvements to such proceedings. The JPP was established by the Secretary of Defense in June 2014 in accordance with section 576(a)(2) of the National Defense Authorization Act for Fiscal Year 2013. This is the eighth report issued by the JPP.

More information about the JPP, including the full version of this report and testimony and materials considered by the Panel members in developing these recommendations, is available on the JPP's website at <http://jpp.whs.mil>.