

Response Systems Panel Report Recommendations

Response Systems Panel Report (June 2014)			
Number	Brief Description	Recommendation	Action
Measuring the Scope of Sexual Assault			
RSP R-1 Jun 2014	<u>CRIME SURVEYS</u> (SecDef) Use of BJS Coordinated Crime Victimization Survey	<i>Recommendation 1:</i> The Secretary of Defense direct the development and implementation of a military crime victimization survey, in coordination with the Bureau of Justice Statistics, that relies on the best available research methods and provides data that can be more readily compared to other crime victimization surveys than current data.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-2 Jun 2014	<u>WGRS SURVEYS</u> (Congress/SecDef) Not to Use WGRS Survey for Sexual Assault Incidence Data	<i>Recommendation 2:</i> Congress and the Secretary of Defense utilize results from the Workplace and Gender Relations Survey of Active Duty Members for its intended purpose—to assess attitudes, identify areas for improvement, and revise workplace policies as needed - rather than to estimate the incidence of sexual assault within the military.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-3A Jun 2014	<u>DATA ON CONVICTION RATES</u> (SecDef/Services) Standardize Prosecution and Conviction Rate Method Across Services	<i>Recommendation 3A:</i> The Secretary of Defense direct the Service Secretaries to use a single, standardized methodology to calculate prosecution and conviction rates. The Panel recommends a methodology, based on the current Army model, which will provide accurate and comparable rates by tracking the number and rates of acquittals and alternate dispositions in sexual assault cases.	Dec 15, 2014- DoD Approved (DoD GC)

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RSP R-3B Jun 2014	<p><u>DATA AND STUDY OF DISPOSITION PROCESS</u> (SecDef) Have HQE External to the Military Study Disposition Process in Sexual Assault Cases</p>	<p><i>Recommendation 3B:</i> Once the Services standardize definitions, procedures, and calculations for reporting prosecution and conviction rates in sexual assault cases, the Secretary of Defense direct a highly qualified expert (HQE), external to the military, to study the disposition process in sexual assault cases.</p> <p>The study should at least assess the following:</p> <ul style="list-style-type: none"> - the rate at which the Services unfound sexual assault reports using the Uniform Crime Reporting Program definition and the characteristics of such cases to determine whether any additional changes to policies or procedures are warranted; - the rates at which referral of cases to courts-martial against the advice of the Article 32 investigating or hearing officer resulted in acquittal or conviction; and - the role victim cooperation plays in determining whether to refer or not refer a case to court-martial, and whether the case results in a dismissal, acquittal or conviction. 	Dec 15, 2014- DoD Approved (DoD GC)
RSP R-4 Jun 2014	<p><u>DATA ON CIV-MIL CONVICTION RATES</u> (Congress/SecDef) Not to Compare Civilian and Military Prosecution and Conviction Rates</p>	<p><i>Recommendation 4:</i> Congress and the Secretary of Defense not measure success solely by comparing military and civilian prosecution and conviction rates.</p>	Dec 15, 2014- DoD Approved

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RSP R-5 Jun 2014	<p><u>“UNFOUNDED” REPORTS IN ANNUAL SAPRO REPORT</u></p> <p>(Congress) Include “Unfounded” Sex Assault Cases in SAPRO Annual Report Including Synopses</p>	<p><i>Recommendation 5:</i> Congress enact legislation to amend Section 1631(b)(3) of the NDAA for FY 2011 and the related provisions in the NDAA for FY 2012 and the NDAA for FY 2013 to require the Service Secretaries provide the number of “unfounded cases,” (i.e., those cases that were deemed false or baseless), as well as a synopsis of all other unrestricted reports of sexual assault with a known offender within the military’s criminal jurisdiction. Eliminating the requirement to provide information about “substantiated cases” will result in DoD and the Services providing information that more accurately reflects the disposition of all unrestricted reports of sexual assault within the military’s jurisdiction.</p>	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-6 Jun 2014	<p><u>INDEPENDENT SURVEY DATA ASSESSMENT AND MARKERS FOR RISK</u></p> <p>(SecDef) Independent Research Professionals Should Assess WGRS and Crime Victimization Data/Identify Markers for Increased Risk</p>	<p><i>Recommendation 6:</i> The Secretary of Defense direct that raw data collected from all surveys related to workplace environments and crime victimization be analyzed by independent research professionals to assess how DoD can improve responses to military sexual assault. For example: the survey’s non-response bias analysis plan should be published so that independent researchers can evaluate it; the spectrum of behaviors included in “unwanted sexual contact” should be studied to inform targeted prevention efforts; and environmental factors such as time in service, location, training status, and deployment status should be analyzed as potential markers for increased risk.</p>	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-7 Jun 2014	<p><u>SURVEY ADVISORY PANEL</u></p> <p>(SecDef) Creation of Advisory Panel of Experts from BJS and Nat’l Academy of Sciences to Consult on WGRS Survey</p>	<p><i>Recommendation 7:</i> The Secretary of Defense direct the creation of an advisory panel of qualified experts from the Bureau of Justice Statistics and the National Academy of Sciences’ Committee on National Statistics to consult with the RAND Corporation, selected to develop and administer the 2014 Workplace and Gender Relations Survey of Active Duty Members, and any other agencies or contractors that develop future surveys of crime victimization or workplace environments, to ensure effective survey design.</p>	Dec 15, 2014- DoD Approved in Part (USD (P&R))

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RSP R-8 Jun 2014	<u>CRIME SURVEY USE UCMJ DEFINITIONS</u> (SecDef) Use UCMJ Definitions of Sex Offenses in Crime Victimization Survey	<i>Recommendation 8:</i> If implemented, the Secretary of Defense direct that military crime victimization surveys use the Uniform Code of Military Justice's (UCMJ) definitions of sexual assault offenses, including: rape, sexual assault, forcible sodomy, and attempts to commit these acts.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-9 Jun 2014	<u>IMPROVED SURVEY RESPONSE RATES</u> (SecDef) Seek To Improve Response Rates	<i>Recommendation 9:</i> The Secretary of Defense seek to improve response rates to all surveys related to workplace environments and crime victimization to improve the accuracy and reliability of results.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-10 Jun 2014	<u>SURVEY FATIGUE</u> (DoD/Services) Monitor Survey Fatigue	<i>Recommendation 10:</i> DoD and the Services be alert to the risk of survey fatigue, and DoD SAPRO and Defense Equal Opportunity Management Institute monitor and assess what impact increased survey requirements have on survey response rates and survey results.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-11 Jun 2014	<u>SENTENCING DATA ON WEB</u> (SecDef/Services) Provide Sentencing Data In A Searchable Web Site	<i>Recommendation 11:</i> The Secretary of Defense direct the Service Secretaries to provide sentencing data, categorized by offense type, particularly for all rape and sexual assault offenses under Article 120 of the UCMJ, forcible sodomy under Article 125 of the UCMJ, or attempts to commit those acts under Article 80 of the UCMJ, into a searchable DoD database, to: (1) conduct periodic assessments, (2) identify sentencing trends, or (3) address other relevant issues. This information should be posted to a website or made available in a forum that is easily accessible to the public.	Dec 15, 2014- DoD Approved (Services)
RSP R-12 Jun 2014	<u>DATA ON SENTENCING RELEASED MONTHLY</u> (SecDef/Services) Release Monthly Courts-Martial Results	<i>Recommendation 12:</i> The Secretary of Defense direct the Services to release sentencing outcomes in <u>all cases</u> on a monthly basis to increase transparency and confidence in the military justice system.	Dec 15, 2014- DoD Approved (Services)

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Role of the Commander in Sexual Assault Prevention			
RSP R-13 Jun 2014	<u>MALE VICTIM POLICY</u> (SecDef/Services) Need for Male-On- Male Sexual Assault Prevention Efforts	<i>Recommendation 13:</i> The Secretary of Defense direct DoD SAPRO and the Services to enhance their efforts to prevent and respond to male-on-male sexual assault. - Prevention efforts should ensure commanders directly acknowledge the potential for male-on-male sexual assault in their commands and directly confront the stigma associated with it. - Prevention efforts should also ensure Service members understand that sexually demeaning or humiliating behaviors that may have been minimized as hazing or labeled as “horseplay” in the past are not tolerated and may constitute punishable offenses. - DoD SAPRO should fund research on and seek expert assistance to understand the risk and protective factors that are unique to male-on-male sexual assault in the military and should develop targeted prevention programs for male-on-male sexual assault offenses.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-14 Jun 2014	<u>SAPR POLICY/ COMMANDER EFFORTS</u> (Services) Ensure Commanders Support Prevention Efforts	<i>Recommendation 14:</i> The Service Secretaries ensure commanders focus on effective prevention strategies. Commanders must demonstrate leadership of DoD’s prevention approach and its principles, and they must ensure members of their commands are effectively trained by qualified and motivated trainers who are skilled in teaching methods that will keep participants tuned in to prevention messages.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-15 Jun 2014	<u>SAPR POLICY/ ALCOHOL MITIGATION</u> (SecDef) Implement Alcohol-Mitigation Strategies for SAPR	<i>Recommendation 15:</i> The Secretary of Defense direct appropriate DoD authorities to work with researchers to determine how best to implement promising, evidence-based alcohol mitigation strategies (e.g., those that affect pricing, outlet density, and the availability of alcohol). The Secretary of Defense should ensure DoD’s strategic policies emphasize these strategies and direct DoD SAPRO to coordinate with the Services to evaluate promising programs some local commanders have initiated to mitigate alcohol consumption.	Dec 15, 2014- DoD Approved (USD(P&R))

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Number	Brief Description	Recommendation	Action
RSP R-16 Jun 2014	<u>SAPR POLICY/ PRIOR VICTIMIZATION</u> (SecDef) Develop Risk-Management Programs Directed Toward Prior-Victimization	<i>Recommendation 16:</i> The Secretary of Defense direct DoD SAPRO to evaluate development of risk-management programs directed toward populations with particular risk and protective factors that are associated with prior victimization. In particular, DoD SAPRO should work with researchers to determine to what extent prior sexual victimization increases Service members' risk for sexual assault in the military to develop effective programs to protect against re-victimization.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-17 Jun 2014	<u>SAPR POLICY/ PRIOR VICTIMIZATION</u> (SecDef) Develop Services For Prior Sexual Abuse	<i>Recommendation 17:</i> The Secretary of Defense direct DoD SAPRO to consult with the Centers for Disease Control and Prevention and other appropriate agencies to develop and expand services for military members who experienced sexual abuse prior to joining the military, and to develop strategies to encourage utilization of these services to prevent re-victimization and develop or maintain skills necessary to fully engage in military activities and requirements.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-18 Jun 2014	<u>SAPR POLICY/ BYSTANDER INTERVENTION</u> (SecDef/Services) Review Bystander Intervention Programs for Misconceptions	<i>Recommendation 18:</i> The Secretary of Defense and Service Secretaries direct DoD SAPRO and the Services, respectively, to review bystander intervention programs to ensure they do not rely upon common misconceptions or overgeneralized perceptions. In particular, programs should not overemphasize serial rapists and other sexual "predators" and should instead emphasize preventive engagement, encouraging Service member attention and vigilance toward seemingly harmless attitudes and behaviors that increase the potential for sexual assault.	Dec 15, 2014- DoD Approved (USD(P&R))

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Number	Brief Description	Recommendation	Action
RSP R-19 Jun 2014	<u>SAPR POLICY / BYSTANDER RETALIATION</u> (SecDef) Establish Specific Training Addressing Retaliation Against Bystanders	<i>Recommendation 19:</i> The Secretary of Defense direct DoD SAPRO to establish specific training and policies addressing retaliation toward peers who intervene and/or report. - Bystander intervention programs for service members include training that emphasizes the importance of guarding against such retaliation. - DoD and Service policies and requirements ensure protection from retaliation against not just victims, but also the peers who speak out and step up on their behalf. - Commanders encourage members to actively challenge attitudes and beliefs that lead to offenses and interrupt and/or report them when they occur.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-20 Jun 2014	<u>SAPR POLICY/ MALE VICTIMS</u> (SecDef) Develop Specific Training Addressing Male-on- Male Assault	<i>Recommendation 20:</i> The Secretary of Defense continue to develop and implement training for all members of the military, including new recruits, with examples of male-on-male sexual assault, including hazing and sexual abuse by groups of men. The training should emphasize the psychological damage done by sexual assault against male victims.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-21 Jun 2014	<u>SAPR POLICY/ TRAINING NEW RECRUITS</u> (Services) Provide Sexual Assault Training For New Recruits	<i>Recommendation 21:</i> The Service Secretaries direct commanders of military entrance processing stations to determine how to best provide sexual assault prevention information to new recruits immediately upon entry into the Service that include the definition of sexual assault, possible consequences of a conviction for sexual offenses in the military and information about the DoD Safe Helpline and other avenues for assistance. This recommendation expands upon the Defense Task Force on Sexual Assault in the Services' recommendation to make available, and to visibly post, sexual assault prevention and awareness campaign materials at military entrance processing stations.	Dec 15, 2014- DoD Approved (USD(P&R))

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RSP R-22 Jun 2014	<u>SAPR POLICY/ TRAINING</u> (SecDef) Continue To Develop Sexual Assault Training For All Members	<i>Recommendation 22:</i> The Secretary of Defense continue to develop and implement training for all members of the military, including new recruits, emphasizing that reporting instances of sexual assault is essential for good order and discipline and protects rather than undermines morale. It is also essential that training continue to emphasize that good order and discipline require that the military justice system carries out its mission of determining guilt or innocence in an environment free from bias against an accuser or accused Service member.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-23 Jun 2014	<u>RETALIATION TRAINING</u> (SecDef) Develop Training for All Members That Retaliation Violates Good Order and Discipline	<i>Recommendation 23:</i> The Secretary of Defense continue to develop and implement training for all members of the military, including new recruits, that retaliation or harassment by Service members in response to an allegation of sexual assault violates good order and discipline.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-24 Jun 2014	<u>SAPR POLICY/ TRAINING ON COERCIVE RELATIONSHIPS</u> (SecDef) Develop Training for All Members That Demands For Sex by Superiors Are Unlawful	<i>Recommendation 24:</i> The Secretary of Defense continue to develop and implement training for all members of the military, including new recruits, explaining that implicit or explicit invitations or demands for sex or sexualized interactions from commanders or superiors are not lawful orders, should not be obeyed, violate the code of military conduct, and will be punished.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-25 Jun 2014	<u>SAPR POLICY / NO FORMAL STATEMENT</u> (DoD) Not Promulgate a Formal Sexual Assault Accountability Statement	<i>Recommendation 25:</i> The Department of Defense not promulgate at this time an additional formal statement of what accountability, rights, and responsibilities a member of the Armed Forces has with regard to matters of sexual assault prevention and response.	Dec 15, 2014- DoD Approved (USD(P&R))

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RSP R-26 Jun 2014	<u>CLIMATE SURVEY OF SUBORDINATE LEADERS</u> (DoD) Ensure Climate Surveys Accurately Assess Subordinate Leaders	<i>Recommendation 26:</i> DoD SAPRO and the Defense Equal Opportunity Management Institute ensure survey assessments and other methods for assessing command climate accurately assess and evaluate the effectiveness of subordinate organizational leaders and supervisors in addition to commanders.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-27 Jun 2014	<u>PLAN AFTER CLIMATE SURVEY</u> (SecDef/Services) Commanders Develop Action Plans After Climate Surveys	<i>Recommendation 27:</i> The Secretary of Defense and Service Secretaries ensure commanders are required to develop action plans following completion of command climate surveys that outline steps the command will take to validate or expand upon survey information and steps the command will take to respond to issues identified through the climate assessment process.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-28 Jun 2014	<u>ADDITIONAL CLIMATE ASSESSMENT</u> (DoD/Services) Identify Additional Means to Assess Climate	<i>Recommendation 28:</i> DoD and the Services identify and utilize means in addition to surveys to assess and measure institutional and organizational climate for sexual assault prevention and response.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-29 Jun 2014	<u>SAPR PROGRAM ASSESSMENT</u> (DoD/Services) Use More than Surveys to Obtain Information on SAPR Program Effectiveness	<i>Recommendation 29:</i> In addition to personnel surveys, DoD, the Services, and commanders identify and utilize other resources to obtain information and feedback on the effectiveness of Sexual Assault Prevention and Response programs and local command climate.	Dec 15, 2014- DoD Approved (USD(P&R))

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RSP R-30 Jun 2014	<p><u>CLIMATE ASSESSMENT AFTER INCIDENT</u> (Congress) Not Adopt Section 3(d) of 2014 VPA (Climate Assessment After Each Incident of Sexual Assault) (SecDef) Establish Safety Reviews After Incidents</p>	<p><i>Recommendation 30:</i> Congress not adopt Section 3(d) of the Victim's Protection Act of 2014. Alternatively, the Secretary of Defense should direct the formulation of a review process to be applied following each reported instance of sexual assault to determine the non-criminal factors surrounding the event. Such reviews should address what measures ought to be taken to lessen the likelihood of recurrence (e.g.; physical security, lighting, access to alcohol, off-limits establishments, etc.).</p>	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-31 Jun 2014	<p><u>COMMANDER PERFORMANCE METRICS</u> (DoD/Services) Accountability Metrics Included in Commander Performance Assessments</p>	<p><i>Recommendation 31:</i> DoD and the Services consider opportunities and methods for effectively factoring accountability metrics into commander performance assessments, including climate survey results, indiscipline trends, sexual assault statistics, and equal opportunity data.</p>	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-32 Jun 2014	<p><u>SUBORDINATE LEADER ASSESSMENT</u> (Services) SAPR Performance Assessment Includes Subordinate Leaders</p>	<p><i>Recommendation 32:</i> The Service Secretaries ensure sexual assault prevention and response performance assessment requirements extend below unit commanders to include subordinate leaders, including officers, noncommissioned officers, and civilian supervisors.</p>	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-33 Jun 2014	<p><u>COMMANDER ASSESSMENT</u> (Services) Commander SAPR Assessment Includes More than Survey Results</p>	<p><i>Recommendation 33:</i> The Service Secretaries ensure assessment of commander performance in sexual assault prevention and response incorporates more than results from command climate surveys.</p>	Dec 15, 2014- DoD Approved (USD(P&R))

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RSP R-34 Jun 2014	<u>CLEAR OBJECTIVES FOR COMMANDERS</u> (DoD/Services) Ensure SAPR Objectives Clearly Defined for Leaders	<i>Recommendation 34:</i> To ensure military leaders clearly understand their duties and responsibilities, DoD SAPRO and the Service Secretaries ensure SAPR programs and initiatives are clearly defined and establish objective standards when possible.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-35 Jun 2014	<u>COMMANDERS TRAINED ON CLIMATE</u> (SecDef/Services) Commanders Trained to Monitor SAPR Climate by More Than Surveys	<i>Recommendation 35:</i> The Secretary of Defense and Service Secretaries ensure commanders are trained in methods for monitoring a unit's sexual assault prevention and response climate, and they should ensure commanders are accountable for monitoring their command's sexual assault prevention and response climate outside of the conduct of periodic surveys.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-36 Jun 2014	<u>DISPOSITION DECISION</u> (Congress) Not Adopt Proposed STOP Act or MJIA	<i>Recommendation 36:</i> Congress not adopt the proposals in the Sexual Assault Training Oversight and Prevention (STOP) Act or the Military Justice Improvement Act (MJIA) to modify the authority vested in convening authorities to refer sexual assault charges to courts-martial.	Dec 15, 2014- DoD Approved
RSP R-37 Jun 2014	<u>DISPOSITION DECISION</u> (Congress) Not Further Limit Role of The Commander to Refer Charges	<i>Recommendation 37:</i> Congress not further limit the authority under the UCMJ to refer charges for sexual assault crimes to trial by court-martial beyond the recent amendments to the UCMJ and DoD policy.	Dec 15, 2014- (DoD OGC) Referred to MJRG
RSP R-38 Jun 2014	<u>DISPOSITION DECISION</u> (SecDef) Ensure Legal Training for Senior Officers	<i>Recommendation 38:</i> The Secretary of Defense ensure all officers preparing to assume senior command positions at the grade of O-6 and above receive dedicated legal training that fully prepares them to exercise authorities assigned to them under the UCMJ.	Dec 15, 2014- DoD Approved (Services)

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RSP R-39 Jun 2014	<p><u>DISPOSITION REVIEW</u></p> <p>(Congress) Repeal FY14 § 1744 (Higher Authority Review of Some Commander Non-Referrals)</p>	<p><i>Recommendation 39:</i> Congress repeal Section 1744 of the National Defense Authorization Act for Fiscal Year 2014, which requires a convening authority's decision <i>not</i> to refer certain sexual assault cases be reviewed by a higher general court-martial convening authority or the Service Secretary, depending on the circumstances, due to the real or perceived undue pressure it creates on staff judge advocates to recommend referral, and on convening authorities to refer, in situations where referral does not serve the interests of victims or justice.</p>	Dec 15, 2014 (DoD OGC) Referred to MJRG
RSP R-40 Jun 2014	<p><u>DISPOSITION DECLINATION FORM</u></p> <p>If FY14 § 1744 Not Repealed (SecDef) Develop Standard Form for Declining Prosecution</p>	<p><i>Recommendation 40:</i> If Congress does not repeal Section 1744 of the National Defense Authorization Act for Fiscal Year 2014, and the requirement for elevated review of non-referred case files continues, the Secretary of Defense direct a standard format be developed for declining prosecution in a case, modeled after the contents of civilian jurisdiction declination statements or letters. The DoD should coordinate with the Department of Justice, or with state jurisdictions that are more familiar with the sensitive nature of sexual assault cases, to develop a standard format for use by all Services. Any such form should require a sufficient explanation without providing too much detail so as to ensure the written reason for declination to prosecute does not jeopardize the possibility of a future prosecution or contain victim-blaming language.</p>	Dec 15, 2014 (DoD OGC) Referred to MJRG
RSP R-41 Jun 2014	<p><u>DISPOSITION REVIEW</u></p> <p>(Congress) Not Enact Section 2 of 2014 VPA (Sr. Trial Counsel May Request Higher Authority Review for Non-Referral)</p>	<p><i>Recommendation 41:</i> Congress not enact Section 2 of the Victim's Protection Act of 2014, which would require the next higher convening authority or Service Secretary to review a case if the senior trial counsel disagreed with the staff judge advocate's recommendation against referral or the convening authority's decision not to refer one of these sexual assault cases. The staff judge advocate is the general court-martial convening authority's legal advisor on military justice matters; there is no evidence that inserting the senior trial counsel into the process will enhance the fair administration of military justice.</p>	Dec 15, 2014 (DoD OGC) Referred to MJRG

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RSP R-42 Jun 2014	<u>ARTICLE 60/ CLEMENCY</u> (Congress) Not Further Amend Art 60	<i>Recommendation 42:</i> Congress not adopt additional amendments to Article 60 of the UCMJ beyond the significant limits on discretion already adopted, and the President should not impose additional limits to the post-trial authority of convening authorities.	Dec 15, 2014 (DoD OGC) Referred to MJRG
RSP R-43 Jun 2014	<u>ARTICLE 60/ CLEMENCY</u> (Congress) Amend FY14 § 1702(b) (Allowing Commanders to Grant Clemency to Protect Dependents From Forfeitures)	<i>Recommendation 43:</i> Congress amend Section 1702(b) of the National Defense Authorization Act for Fiscal Year 2014 to allow convening authorities to grant clemency as formerly permitted under the UCMJ to protect dependents of convicted Service members by relieving them of the burden of automatic and adjudged forfeitures.	Dec 15, 2014 (DoD OGC) Referred to MJRG
Victim Counsel, Rights, Support, and Services			
RSP R-44 Jun 2014	<u>SVC / DURATION OF REPRESENTATION</u> (SecDef/Services) Extend SVC Representation as Long as a Right is at Issue	<i>Recommendation 44:</i> The Secretary of Defense direct the Services to extend the opportunity for special victim counsel representation, although not necessarily the same special victim counsel, to a victim so long as a right of the victim exists and is at issue.	Dec 15, 2014 (DoD OGC) Referred to MJRG
RSP R-45 Jun 2014	<u>ACCESS TO INFORMATION</u> (JPP/JSC) Clarify Extent of Victim's Right to Information	<i>Recommendation 45:</i> The Judicial Proceedings Panel and the Joint Services Committee should review and clarify the extent of a victim's right to access information that is relevant to the assertion of a particular right.	Dec 15, 2014 (DoD OGC) Referred to JSC

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RSP R-46 Jun 2014	<u>ARTICLE 6B / RIGHT TO BE HEARD THROUGH COUNSEL</u> (SecDef/EO) Clarify Victims' Right to Be Heard Through Counsel	<i>Recommendation 46:</i> The Secretary of Defense recommend to the President changes to the Manual for Courts-Martial and prescribe appropriate regulations to clarify a victim's right to be heard includes the right to be heard on legal issues through counsel.	Dec 15, 2014 (DoD OGC) Referred to JSC
RSP R-47 Jun 2014	<u>SVC / SELECTION CRITERIA</u> (SecDef/Services) Additional SVC Selection Criteria	<i>Recommendation 47:</i> The Secretary of Defense direct the Services to implement additional selection criteria for their individual Special Victim Counsel programs to require that counsel have appropriate trial experience, whenever possible, prior to being selected as special victim counsel.	Dec 15, 2014- DoD Approved (Services)
RSP R-48 Jun 2014	<u>SVC / IMPACT ON MJ</u> (Services) Assess Effects of SVC Program on Military Justice	<i>Recommendation 48:</i> In addition to assessing victim satisfaction with the Special Victim Counsel program, the Service Secretaries survey convening authorities, staff judge advocates, prosecutors, defense counsel, military judges, and investigators to assess the effects of the program on the administration of military justice.	Dec 15, 2014- DoD Approved (Services)
RSP R-49 Jun 2014	<u>SVC / FUNDING</u> (Congress) Appropriate Adequate Funding for SVC Programs	<i>Recommendation 49:</i> Congress appropriate sufficient funds and personnel authorizations annually to DoD to ensure the Services are able to sustain a robust Special Victim Counsel program.	Dec 15, 2014- DoD Approved
RSP R-50 Jun 2014	<u>SVC / WEB SITE</u> (Services) Ensure SVC Program Collaboration and an Inter-Service Resource Web Site	<i>Recommendation 50:</i> The Service Secretaries establish and disseminate collaborative methods for special victim counsel between and among the Services, including an inter-Service website where special victim counsel may access resources and training materials, and receive training on best practices including the provision of advice and resources to sexual assault victims for issues related to negative personnel actions encountered as a result of being a victim or seeking treatment.	Dec 15, 2014- DoD Approved (Services)

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RSP R-51 Jun 2014	<u>SVC/PROGRAM ASSESSMENT</u> (Services) Develop Standard Metrics to Evaluate SVC Program	<i>Recommendation 51:</i> The Service Secretaries develop a standard evaluation mechanism in consultation with an independent evaluator with appropriate metrics to determine the effectiveness of the Special Victim Counsel program in each Service on an annual basis. This includes annually evaluating the effectiveness of the organizational structure of the Service Special Victim Counsel programs and assessing the individual Service policies on eligibility requirements for obtaining a special victim counsel.	Dec 15, 2014- DoD Approved (Services)
RSP R-52 Jun 2014	<u>SVC / COLLABORATION</u> (SecDef) Establish Inter-Service SVC Working Group	<i>Recommendation 52:</i> The Secretary of Defense establish an inter-Service working group to assess the practices of all Service Special Victim Counsel programs. The inter-Service working group should discuss, deliberate, and decide upon the best practices being utilized by all the Services. The working group should then ensure each Service implements the best practices of the Special Victim Counsel programs. The working group should consist of, at a minimum, the Special Victim Counsel program heads from each Service. The first meeting should occur within twelve months from the date of this report. Thereafter, the working group should meet at least annually.	Dec 15, 2014- DoD Approved (DoD OGC)
RSP R-53 Jun 2014	<u>ARTICLE 6B/ STANDING</u> (SecDef) Clarify Victim Standing Pre, During, and Post-Trial Under 6b of the UCMJ	<i>Recommendation 53:</i> The Secretary of Defense clarify that victims have legal standing to enforce their rights listed in Article 6b of the UCMJ at any relevant time in the proceedings, including before, during, and after trial.	Dec 15, 2014 (DoD OGC) Referred to JSC
RSP R-54A Jun 2014	<u>ARTICLE 6B/ PTA RIGHT TO BE HEARD</u> (SecDef/EO) Provide Victim Right to be Heard on PTA	<i>Recommendation 54A:</i> The Secretary of Defense recommend to the President changes to the Manual for Courts-Martial and prescribe appropriate regulations that provide victims a right to be heard regarding a pretrial agreement.	Dec 15, 2014- (DoD OGC) Referred to JSC

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RSP R-54B Jun 2014	<u>ARTICLE 6B/ PTA RIGHT TO BE HEARD</u> (SecDef/EO) Provide Victim Right To Be Heard By CA on PTA	<i>Recommendation 54B:</i> The proposed changes provide victims the right to be heard by the convening authority regarding a plea, with appropriate consideration to account for military pretrial agreement practice.	Dec 15, 2014- (DoD OGC) Referred to JSC
RSP R-54C Jun 2014	<u>ARTICLE 6B/ PTA RIGHT TO BE HEARD</u> (SecDef/EO) Ensure Victim Right to be Heard Before CA Decision on PTA	<i>Recommendation 54C:</i> The recommended changes ensure the right to be heard before the convening authority decides to accept, reject, or propose a counteroffer to a pretrial agreement offer submitted by an accused. The convening authority should retain discretion to determine the best means to comply with this right and consider the victim's opinion (e.g., submission in writing, in person).	Dec 15, 2014- (DoD OGC) Referred to JSC
RSP R-55 Jun 2014	<u>ARTICLE 6B/ DISPOSITION PREFERENCE</u> (SecDef) Trial Counsel Must Convey Victim's Disposition Preferences to CA	<i>Recommendation 55:</i> The Secretary of Defense direct the creation and implementation of mechanisms, where not currently in place, requiring trial counsel to convey the victim's specific concerns and preferences to the convening authority regarding case disposition. These procedures will take into account the convening authority's role in the disposition of cases under the military justice system and create a process more analogous to a victim's right to confer with a prosecutor under the Crime Victim's Rights Act.	Dec 15, 2014- (DoD OGC) Referred to JSC

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Number	Brief Description	Recommendation	Action
RSP R-56 Jun 2014	<p><u>ARTICLE 6B/ VICTIM IMPACT STATEMENT</u></p> <p>(SecDef/EO) Recommend Changes to UCMJ to Allow Victim Unsworn Impact Statement</p>	<p><i>Recommendation 56:</i> The Secretary of Defense recommend to the President changes to the Manual for Courts-Martial and prescribe appropriate regulations to provide victims the right to make an unsworn victim impact statement, not subject to cross examination during the presentencing proceeding, with the following safeguards:</p> <ul style="list-style-type: none"> - The members should be instructed similarly to the instruction they receive when the accused makes an unsworn statement; - The substance of the unsworn statement, including all material facts, should be in writing, available to the defense counsel before sentencing and be subject to the same objections available to the government regarding the accused’s unsworn statement; and - If there is “new matter” that could affect the sentence brought up in the victim’s unsworn statement, a military judge may take appropriate corrective action. 	Dec 15, 2014- (DoD OGC) Referred to JSC
RSP R-57 Jun 2014	<p><u>ARTICLE 6B</u></p> <p>(Services) Judge to Ensure Trial Counsel Affords Victim’s Rights Under 6b</p>	<p><i>Recommendation 57:</i> The Service Secretaries ensure trial counsel comply with their obligations to afford military crime victims the rights set forth in Article 6b of the UCMJ and DoD policy by, in cases tried by courts-martial, requiring military judges to inquire, on the record, whether trial counsel complied with statutory and policy requirements.</p>	Dec 15, 2014- DoD Approved (Services)
RSP R-58 Jun 2014	<p><u>ARTICLE 6B</u></p> <p>(SecDef/EO) Recommend Changes to UCMJ to Ensure Victim Afforded 6b Rights</p>	<p><i>Recommendation 58:</i> The Secretary of Defense recommend to the President changes to the Manual for Courts-Martial and prescribe appropriate regulations to ensure that military investigators, prosecutors and other DoD military and civilian employees engaged in the detection, investigation, or prosecution of crime use their best efforts to notify and accord victims the rights specified in Article 6b of the UCMJ.</p>	Dec 15, 2014- (DoD OGC) Referred to JSC

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Number	Brief Description	Recommendation	Action
RSP R-59 Jun 2014	<u>ARTICLE 6B / COMPLAINT PROCESS</u> (SecDef) Assess Effectiveness of 6b Non-Compliance Complaint Process	<i>Recommendation 59:</i> The Secretary of Defense assess the effectiveness of the processes to receive and investigate complaints relating to violations of or failures by military and civilian employees of all the Services to provide the rights guaranteed by Article 6b, UCMJ, and to determine whether a more uniform process is needed.	Dec 15, 2014-DoD Approved (Services) Dec 3, 2015 DoD Update-(USD(P&R))
RSP R-60 Jun 2014	<u>COLLATERAL MISCONDUCT</u> (SecDef) Study of Collateral Misconduct and Options for Immunity	<i>Recommendation 60:</i> The Secretary of Defense direct an expedited study of what constitutes low-level collateral misconduct in sexual assault cases and examine whether a procedure for granting limited immunity should be implemented in the future.	Dec 15, 2014-(DoD OGC) Referred to JSC
RSP R-61 Jun 2014	<u>SVC</u> (SecDef) Right to Consult With SVC Before Deciding on Restricted or Unrestricted Report	<i>Recommendation 61:</i> The Secretary of Defense develop and implement policy and regulations such that sexual assault victims have the right and ability to consult with a special victim counsel before deciding whether to make a restricted or unrestricted report, or no report at all. Communication made during this consultation would be confidential and protected under the attorney-client privilege.	Dec 15, 2014-DoD Approved (USD(P&R))
RSP R-62 Jun 2014	<u>SVC/RESTRICTED REPORT</u> (SecDef) MPs Must Refer Victim to SVC, and Victim Retains Right to Make a Restricted Report	<i>Recommendation 62:</i> The Secretary of Defense develop and implement policy that, when information comes to military police about an instance of sexual assault by whatever means, the first step in an investigation is to advise the victim that she or he has the right to speak with a special victim counsel before determining whether to file a restricted or unrestricted report, or no report at all.	Dec 15, 2014-DoD <u>Disapproved</u>

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Number	Brief Description	Recommendation	Action
RSP R-63 Jun 2014	<p style="text-align: center;"><u>MICIO</u> <u>INFORMATION ON</u> <u>RESTRICTED</u> <u>REPORT</u></p> <p>(SecDef) Develop Policy to Allow Victim to Provide Information on Restricted Report to MCIO</p>	<p><i>Recommendation 63:</i> The Secretary of Defense direct DoD SAPRO, in coordination with the Services and the DoD Inspector General, to change restricted reporting policy to allow a victim who has made a restricted report to provide information to a military criminal investigative organization agent, but only when a victim advocate and/or special victim counsel is present, without the report automatically becoming unrestricted and triggering a law enforcement investigation. This should be a voluntary decision on the part of the victim. The policy should prohibit military criminal investigative organizations from using information obtained in this manner to initiate an investigation or title an alleged offender as a subject, unless the victim chooses, or changes, his or her preference to an unrestricted report. The Secretary of Defense should require this information be provided the same safeguards as other criminal intelligence data to protect against misuse of the information.</p>	<p>Dec 15, 2014- Included in FY15 NDAA</p> <p>Dec 3, 2015- DoD Approved (USD(P&R))</p>
RSP R-64 Jun 2014	<p style="text-align: center;"><u>PROTECT VICTIM</u> <u>CAREER</u></p> <p>(SecDef) Policy to Protect Victim's Military Career</p>	<p><i>Recommendation 64:</i> The Secretary of Defense implement policy that protects victims of sexual assault in the military from suffering damage to their military careers (including but not limited to weakened performance evaluations or lost promotions, security clearances, or personnel reliability certifications) based on having been a victim of sexual assault, having reported sexual assault, or having sought mental health treatment for sexual assault.</p>	<p>Dec 15, 2014- DoD Approved (USD(P&R))</p>
RSP R-65 Jun 2014	<p style="text-align: center;"><u>SAPR POLICY/</u> <u>REPORTING</u></p> <p>(SecDef) Clarify Reporting Options and Reporting Channels</p>	<p><i>Recommendation 65:</i> The Secretary of Defense direct DoD SAPRO to ensure sexual assault reporting options are clarified to ensure all members of the military, including the most junior personnel, understand their options for making a restricted or unrestricted report and the channels through which they can make a report.</p>	<p>Dec 15, 2014- DoD Approved (USD(P&R))</p>

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Number	Brief Description	Recommendation	Action
RSP R-66 Jun 2014	<u>FAP ADDED TO ANNUAL SAPRO REPORT</u> (SecDef) All Adult Sexual Assault Incidents Reported in Annual SAPRO Report	<i>Recommendation 66:</i> The Secretary of Defense direct that adult unwanted sexual contact reports handled by the Family Advocacy Program and recorded in its database be included in the annual DoD SAPRO report of adult unwanted sexual contact cases.	Dec 15, 2014- (USD(P&R)) Referred to Working Group
RSP R-67 Jun 2014	<u>SAPR POLICY/ RESTRICTED REPORT DATA</u> (SecDef) Develop Policy On Providing Restricted Report Data in DSAID to Identify Serial Offenders	<i>Recommendation 67:</i> The Secretary of Defense direct DoD SAPRO to develop policy and procedures for sexual assault response coordinators to input information into the Defense Sexual Assault Incident Database on alleged sexual assault offenders identified by those victims who opt to make restricted reports. These policies should include procedures on whether to reveal the alleged offender's personally identifying information to the military criminal investigative organization when there is credible information the offender is identified or suspected in another sexual assault, providing safeguards for that personally identifiable information.	Dec 15, 2014- Included in FY15 NDAA Dec 3, 2015- DoD Approved (USD(P&R))
RSP R-68 Jun 2014	<u>SAPR POLICY/ RESTRICTED REPORT</u> (SecDef) Process to Provide Information on Restricted Reports to Installation Commander	<i>Recommendation 68:</i> The Secretary of Defense direct DoD SAPRO to develop and implement a process to provide the installation commander, the first O-6 and first general or flag officer in the victim's chain of command with information on status and services provided to victims filing restricted reports of sexual assault within eight days of a report. When restricted reports are made, DoD SAPRO should work with the Services to ensure adequate measures are in place to protect the identity of the victim while providing sufficient information to track the victim's care.	Dec 15, 2014- DoD Approved in Part (USD(P&R))
RSP R-69 Jun 2014	<u>EXPEDITED TRANSFER/ RESTRICTED REPORTS</u> (Services) Develop Expedited Transfer Option For Restricted Report	<i>Recommendation 69:</i> Service Secretaries create a means by which sexual assault victims who file a restricted report may request an expedited transfer without have to make their report unrestricted.	Dec 15, 2014- (USD(P&R)) Referred to Working Group Oct 21, 2015 USD(P&R) Memorandum

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Number	Brief Description	Recommendation	Action
RSP R-70 Jun 2014	<u>EXPEDITED TRANSFER OPTIONS</u> Train Medical and SAPR Personnel About Commander Options to Transfer Members	<i>Recommendation 70:</i> Training for medical personnel, sexual assault response coordinators, and victim advocates, include the options that a commander has available to make or affect transfers when an unrestricted report is made.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-71A Jun 2014	<u>SAFE HELPLINE</u> (Services) Provide Guidance that DoD Hotline is only 24/7 Hotline	<i>Recommendation 71A:</i> The Service Secretaries set forth clear guidance that the DoD Safe Helpline is the single military 24/7 sexual assault crisis hotline for Service members.	Dec 15, 2014- DoD Approved (Services)
RSP R-71B Jun 2014	<u>SAFE HELPLINE</u> (DoD) Easy To Remember Number for SAFE Helpline	<i>Recommendation 71B:</i> The DoD Safe Helpline establish an easily remembered number similar to its website name of SafeHelpline.org.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-71C Jun 2014	<u>SAFE HELPLINE</u> (DoD/Services) Ensure Safe Helpline Has 24/7 Contact Information for Installation Services	<i>Recommendation 71C:</i> DoD require the Services to provide the Safe Helpline with sufficient contact information at each installation or deployed location so that local victim service providers can be reached on a 24/7 basis.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-72 Jun 2014	<u>MENTAL HEALTHCARE</u> (Services) Assess Options for Mental Healthcare in SAPR Program	<i>Recommendation 72:</i> The Service Secretaries evaluate the availability of, and access to, adequate and consistent mental healthcare for victims of sexual assault, and the option of incorporating counselors into the Sexual Assault Prevention and Response program in a manner similar to the integration in the Family Advocacy Program.	Dec 15, 2014- DoD Approved (USD(P&R))

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Number	Brief Description	Recommendation	Action
RSP R-73 Jun 2014	<u>LOCAL VICTIM SUPPORT</u> (Services) Greater Coordination With Victim Support Agencies	<i>Recommendation 73:</i> The Service Secretaries direct further development of local coordination requirements both on and off the installation, and expand requirements for installation commanders to liaison with victim support agencies.	Dec 15, 2014- DoD Approved (USD(P&R)) (Services)
RSP R-74 Jun 2014	<u>VA STAFFING AND CASELOADS</u> (SecDef) Determine Appropriate Victim Advocate Staffing & Caseloads	<i>Recommendation 74:</i> The Secretary of Defense direct DoD SAPRO to determine necessary victim advocate staffing for each Service and appropriate caseload for each victim advocate to ensure that victim advocates become and remain proficient in their duties. Victim advocate duties should include partnering with or observing other professionals who provide victim services (including community providers) or other experiential work to gain further practical skills and confidence while awaiting assignment to a case.	Dec 15, 2014- DoD Approved (Services)
RSP R-75 Jun 2014	<u>EFFECTIVENESS OF SARC/VA TRAINING</u> (SecDef) Periodic Evaluations Of Uniformity And Effectiveness Of SARC/VA Training	<i>Recommendation 75:</i> The Secretary of Defense direct that the periodic evaluations of training provided for Services' sexual assault response coordinators and victim advocates be conducted and include an assessment as to whether the training and curriculum across the Services is uniform, is effective, and reflects all existing initiatives, programs, and policies.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-76 Jun 2014	<u>INDEPENDENT ADVISORY COMMITTEE</u> (SecDef) Establish An Advisory Panel	<i>Recommendation 76:</i> The Secretary of Defense establish an advisory panel, comprised of persons external to the DoD, to offer to the Secretary and other senior leaders in DoD independent assessment and feedback on the effectiveness of DoD's sexual assault prevention and response programs and policies.	Dec 15, 2014- DoD Deferred
RSP R-77 Jun 2014	<u>SAPR PROGRAM ASSESSMENT</u> (SecDef) Evaluate Programs To Determine Need and Funding For Each	<i>Recommendation 77:</i> The Secretary of Defense direct DoD SAPRO to evaluate and assess all programs and initiatives dealing with sexual assault and measure the effectiveness of each to determine which programs and initiatives are effective, which should be continued, expanded, and preserved, and how best to allocate funding for the effective programs and initiatives.	Dec 15, 2014- DoD Approved (USD(P&R))

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Number	Brief Description	Recommendation	Action
RSP R-78 Jun 2014	<u>EXTERNAL SAPR PROGRAM ASSESSMENT</u> (SecDef) Direct Evaluations By Outside Agencies to Validate Internal Assessments	<i>Recommendation 78:</i> The Secretary of Defense direct periodic and regular evaluations of individual DoD, Service, or local Sexual Assault Prevention and Response programs and performance, to be conducted by independent organizations, which would serve to validate or disprove DoD's own internal assessments and would provide useful feedback to the Department and enhance public confidence in Sexual Assault Prevention and Response programs and initiatives.	Dec 15, 2014-DoD Approved (USD(P&R))
RSP R-79 Jun 2014	<u>OVERLAPPING VICTIM ASSISTANCE ROLES</u> (SecDef) Assess Role Of Victim Assistance Personnel to Reduce Overlap	<i>Recommendation 79:</i> The Secretary of Defense direct DoD SAPRO or the DoD Inspector General to assess the roles and responsibilities of sexual assault response coordinator, victim advocate, victim witness liaison, and Family Advocacy Program personnel, to ensure advocacy personnel are effectively utilized, their roles are properly delineated to allow for excellence; overlap is minimized; that sufficient positions are designated and to determine whether their roles should be modified, and whether all current victim assistance related programs should be sustained in this resource constrained environment.	Dec 15, 2014-DoD Approved (USD(P&R))
Ensuring Fairness and Due Process			
RSP R-80 Jun 2014	<u>SAPR TRAINING CONCERN</u> (SecDef/Services) Ensure SAPR Training Does not Create Unlawful Command Influence	<i>Recommendation 80:</i> The Secretary of Defense and Service Secretaries ensure prevention programs address concerns about unlawful command influence. In particular, commanders and leaders must ensure sexual assault prevention and response training programs and other initiatives do not create perceptions among those who may serve as panel members at courts-martial that commanders expect particular findings and/or sentences at trials or compromise an accused Service member's presumption of innocence, right to fair investigation and disposition, and access to witnesses or evidence. Judge advocates with knowledge and expertise in criminal law should review sexual assault prevention training materials to ensure the materials neither taint potential panel members (military jurors) nor present inaccurate legal information.	Dec 15, 2014-DoD Approved (Services)

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Number	Brief Description	Recommendation	Action
RSP R-81 Jun 2014	<u>INDEPENDENT DEFENSE INVESTIGATORS</u> (SecDef) Provide Independent Defense Investigators	<i>Recommendation 81:</i> The Secretary of Defense direct the Services to provide independent, deployable defense investigators in order to increase the efficiency and effectiveness of the defense mission in sexual assault cases and the fair administration of justice.	Dec 15, 2014- (DoD OGC) Referred to JSC
RSP R-82 Jun 2014	<u>DEFENSE COUNSEL RESOURCES</u> (Services) Ensure Adequate Resourcing for Defense Counsel	<i>Recommendation 82:</i> The Service Secretaries ensure military defense counsel organizations are adequately resourced in funding resources and personnel, including defense supervisory personnel with training and experience comparable to their prosecution counterparts, and direct the Services assess whether that is the case.	Dec 15, 2014- DoD Approved (Services)
RSP R-83 Jun 2014	<u>DEFENSE COUNSEL/ TRAINING</u> (Services) Review Defense Counsel Training and Funding	<i>Recommendation 83:</i> The Service Judge Advocate Generals and the Staff Judge Advocate to the Commandant of the Marine Corps review military defense counsel training for adult sexual assault cases to ensure funding of defense training opportunities is on par with that of trial counsel.	Dec 15, 2014- DoD Approved (Services)
RSP R-84 Jun 2014	<u>DEFENSE COUNSEL/ TRAINING</u> (Services) Sustain Current Training For Defense Counsel	<i>Recommendation 84:</i> The Service Secretaries direct that current training efforts and programs be sustained to ensure that military defense counsel are competent, prepared, and equipped.	Dec 15, 2014- DoD Approved (Services)
RSP R-85 Jun 2014	<u>DEFENSE COUNSEL EXPERIENCE</u> (Services) Ensure Defense Counsel Are Experienced	<i>Recommendation 85:</i> The Services continue to provide experienced defense counsel through regional defense organizations and from personnel with extensive trial experience and expertise in the Reserve component.	Dec 15, 2014- DoD Approved (Services)

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Number	Brief Description	Recommendation	Action
RSP R-86 Jun 2014	<u>DEFENSE COUNSEL EXPERIENCE</u> (Services) Ensure Lead Defense Counsel Are Experienced, Set Minimum Tour Length of 2 Years	<i>Recommendation 86:</i> The Service Judge Advocate Generals and the Staff Judge Advocate to the Commandant of the Marine Corps permit only counsel with litigation experience to serve as lead counsel defense counsel in a sexual assault case as well as set the minimum tour length of defense counsel at two years or more, except when a lesser tour length is approved by the Service Judge Advocate General or Staff Judge Advocate to the Commandant of the Marine Corps, or designee, because of exigent circumstances or to specifically enable training of defense counsel under supervision of experienced defense counsel.	Dec 15, 2014- DoD Approved in Part. (Services)
RSP R-87 Jun 2014	<u>DEFENSE COUNSEL PERFORMANCE</u> (SecDef) Assess Defense Performance To Identify Areas For Improvement	<i>Recommendation 87:</i> The Secretary of Defense direct the Services to assess military defense counsels' performance in sexual assault cases similar to performance assessment of prosecutors and identify areas that may need improvement.	Dec 15, 2014- DoD Approved (Services)
5. Improving Military Justice Procedures			
RSP R-88 Jun 2014	<u>MCIO / COLLATERAL MISCONDUCT</u> (SecDef) Uniform Requirements for MCIOs to Advise Victims of Their Rights For Collateral Misconduct	<i>Recommendation 88:</i> The Secretary of Defense direct the standardization of procedures regarding the requirement for military criminal investigative organization investigators to advise victim and witness Service members of their rights under Article 31(b) of the UCMJ for minor misconduct uncovered during the investigation of a felony to ensure there is a clear process that complies with law, throughout the Services.	Dec 15, 2014- DoD Approved (DoD IG)
RSP R-89 Jun 2014	<u>NON-MCIOs FOR CONTACT OFFENSES</u> (SecDef) Utilize Non MCIO Investigators For Non-Penetrative Sex Offenses	<i>Recommendation 89:</i> The Secretary of Defense direct the commanders and directors of the military criminal investigative organizations to authorize the utilization of Marine Corps Criminal Investigation Division, military police investigators, or security forces investigators to assist in the investigation of some non-penetrative sexual assault cases under the direct supervision of a special victim unit investigator to retain oversight.	Dec 15, 2014- DoD Approved in Part (DoD IG)

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Number	Brief Description	Recommendation	Action
RSP R-90 Jun 2014	<u>MCIO COORDINATION WITH SVI</u> (SecDef) Require Non-SV Investigators Coordinate With A SV Investigator	<i>Recommendation 90:</i> The Secretary of Defense direct commanders and directors of the military criminal investigative organizations to require special victim investigators not assigned to a dedicated special victim unit coordinate with a senior special victim unit agent on all sexual assault cases.	Dec 15, 2014- DoD Approved in Part (USD(P&R)) (DoD IG)
RSP R-91 Jun 2014	<u>MCIO / PRETEXT PHONE CALLS</u> (SecDef) Review Policy To Approve Pretext Phone Calls	<i>Recommendation 91:</i> The Secretary of Defense direct a review of the Services' procedures for approving military criminal investigative organizations agent requests to conduct timely pretext phone calls and text messages and establish a standardized procedure to facilitate and expedite military criminal investigative organizations' use of this investigative technique, in accordance with law.	Dec 15, 2014- DoD Approved in Part (Services)
RSP R-92 Jun 2014	<u>SANE/SAFE</u> (SecDef) Eliminate Collection of Plucked Hair Samples	<i>Recommendation 92:</i> The Secretary of Defense direct the appropriate agency to eliminate the requirement to collect plucked hair samples as part of a sexual assault forensic examination.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-93 Jun 2014	<u>MCIO / STANDARDIZE UNFOUNDING</u> (SecDef/Services) Standardized Process To Unfound a Cases Based on UCR	<i>Recommendation 93:</i> Secretary of Defense direct the Service Secretaries to standardize the process for determining a case is unfounded. The decision to unfound reports should apply the Uniform Crime Reporting (UCR) Program standard to determine if a case should be unfounded. Only those reports determined to be false or baseless should be unfounded.	Dec 15, 2014- (DoD IG) Referred to Working Group

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Number	Brief Description	Recommendation	Action
RSP R-94A Jun 2014	<u>SVIP/ STANDARDIZE COORDINATION</u> (SecDef/Services) Standardize Investigator Coordination with Trial Counsel	<i>Recommendation 94A:</i> The Secretary of Defense direct military criminal investigative organizations to standardize their procedures to require that military criminal investigative organization investigators coordinate with the trial counsel to review all of the evidence, and to annotate in the case file, that the trial counsel agrees all appropriate investigation has taken place, before providing a report to the appropriate commander for a disposition decision. Neither the trial counsel, nor the investigator, should be permitted to make a dispositive opinion whether probable cause exists.	Dec 15, 2014- (Services) Referred to Working Group (DoD IG)
RSP R-94B Jun 2014	<u>SVIP/ MCIO CASES REMAIN OPEN</u> (Services) Ensure Investigators Are Trained That Sexual Assault Cases Are Open Until Receipt Of Final Disposition	<i>Recommendation 94B:</i> To ensure investigators continue to remain responsive to investigative requests after the commander receives the case file, the military criminal investigative organization commanders and directors continue to ensure investigators are trained that all sexual assault cases remain open for further investigation until final disposition of the case.	Dec 15, 2014- (DoD IG) Referred to Working Group
RSP R-95 Jun 2014	<u>SVIP/ MCIO AUDIT</u> (SecDef) Audit of Sexual Assault Investigations By Non- DoD Agency	<i>Recommendation 95:</i> The Secretary of Defense direct an audit of sexual assault investigations by persons or entities outside DoD specifically qualified to conduct such audits.	Dec 15, 2014- DoD Approved (USD(P&R)) (DoD IG)
RSP R-96 Jun 2014	<u>SVIP/ MCIO CIVILIAN OVERSIGHT</u> (SecDef/Services) Emphasis on Civilian Oversight and Competence of Investigators	<i>Recommendation 96:</i> The Secretary of Defense direct military criminal investigative organization commanders and directors to carefully select and train military investigators assigned as investigators for special victim units, and whenever possible, utilize civilians for specialized investigative oversight to maximize continuity and expertise. Military criminal investigation organization commanders and directors ensure that military personnel assigned to a special victim unit have the competence and commitment to investigate sexual assault cases.	Dec 15, 2014- DoD Approved in Part (Services)

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Number	Brief Description	Recommendation	Action
RSP R-97 Jun 2014	<u>MCIO TRAINING ON BIAS</u> (SecDef/Services) Training on Potential Bias And Use of Appropriate Language in Reports	<i>Recommendation 97:</i> The Secretary of Defense direct commanders and directors of the military criminal investigative organizations to continue training of all levels of law enforcement personnel on potential biases and inaccurate perceptions of victim behavior. The Secretary of Defense direct the military criminal investigation organizations to also train investigators against the use of language that inaccurately or inappropriately implies consent of the victim in reports.	Dec 15, 2014- DoD Approved (Services) (DoD IG)
RSP R-98 Jun 2014	<u>SVIP/ MCIO TRAINING FUNDING</u> (Congress/SecDef/Services) Fund SVU Training	<i>Recommendation 98:</i> Congress appropriate funds for training of sexual assault investigation personnel. The Secretary of Defense direct the Service Secretaries to program and budget funding, as allowed by law, for the military criminal investigative organizations to provide advanced training on sexual assault investigations to special victim unit investigators.	Dec 15, 2014- DoD Approved (Services)
RSP R-99 Jun 2014	<u>SANes/SAFEs</u> (Services) Recommend Most Effective Staffing for 24/7 ACCESS to SAFEs	<i>Recommendation 99:</i> The Service Secretaries direct their Surgeons General to: (1) review Section 1725 of the National Defense Authorization Act for Fiscal Year 2014, which requires the assignment of at least one full-time sexual assault nurse examiner to each military medical facility with a 24 hour, seven days a week emergency room, and (2) provide recommendations to amend the legislation so as to permit the most effective way to provide sexual assault forensic examinations at their facilities, given that many civilian medical facilities have more experienced forensic examiners than are typically located on a military installation and those facilities serve as the community's center of excellence for sexual assault forensic examinations.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-100 Jun 2014	<u>SANes/SAFEs</u> (SecDef) Exempt Lab Examiners From Furloughs	<i>Recommendation 100:</i> The Secretary of Defense exempt DNA and other examiners at the Defense Forensic Science Center, as well as other critical civilian members of the criminal investigative process, from future furloughs, to the extent allowed by law.	Dec 15, 2014- DoD Approved (Services)

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Number	Brief Description	Recommendation	Action
RSP R-101 Jun 2014	<u>SANes/SAFEs</u> (SecDef/Services) Consider Creating a Joint Medical Forensics Course	<i>Recommendation 101:</i> The Secretary of Defense direct the Services to create a working group to coordinate the Services' efforts, leverage expertise, and consider whether a joint forensic exam course open to all military and DoD practitioners, perhaps at the Joint Medical Education and Training Center, or portable forensic training and jointly designed refresher courses would help to ensure a robust baseline of common training across all Services.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-102 Jun 2014	<u>SVIP PROSECUTOR NOTIFICATION</u> (SecDef) Requirement for MCIO to Notify Prosecutor Within 24 Hours and Consult within 48 Hours of Sexual Assault Report	<i>Recommendation 102:</i> The Secretary of Defense maintain the requirement for an investigator to notify the prosecution section of the staff judge advocate's legal office of an unrestricted sexual assault report within 24 hours, and for the special victim prosecutor to consult with the investigator within 48 hours, and monthly, thereafter. Establish milestones to insert the prosecutor into the investigative process early and to ensure that the special victim prosecutor contacts the victim or the victim's counsel as soon as possible after an unrestricted report.	Dec 15, 2014- DoD Approved in Part (USD(P&R)) (DoD IG)
RSP R-103 Jun 2014	<u>SVIP</u> (SecDef) Revise SVIP DTM Definition of Covered Offenses to Match UCMJ	<i>Recommendation 103:</i> The Secretary of Defense direct that the Directive-Type Memorandum 14-003, the policy document that addresses the Special Victim Capability, be revised so that definitions of "covered offenses" accurately reflect specific offenses listed in the relevant version(s) of Article 120 of the UCMJ.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-104 Jun 2014	<u>SVIP</u> (SecDef/Services) Not Require SVP Be Lead On All Sexual Assault Cases	<i>Recommendation 104:</i> The Secretary of Defense and Service Secretaries develop policy that does not require special victim prosecutors to handle every sexual assault under Article 120 of the UCMJ. Due to the resources required, the wide range of conduct that falls within current sexual assault offenses in the UCMJ, and the difficulty of providing the capability in remote locations, a blanket requirement for special victim prosecutors to handle every case undermines effective prevention, investigation, and prosecution.	Dec 15, 2014- DoD Approved (USD(P&R))

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Number	Brief Description	Recommendation	Action
RSP R-105 Jun 2014	<u>SVIP EXPERTISE</u> (Services) Further Develop and Sustain Expertise of SVIP Capability	<i>Recommendation 105:</i> The Service Secretaries continue to fully implement the special victim prosecutor programs within the Special Victim Capability and further develop and sustain the expertise of prosecutors, investigators, victim witness liaisons, and paralegals in large jurisdictions or by regions for complex sexual assault cases.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-106 Jun 2014	<u>SVIP TRAINING</u> (Services) Assess and Meet Need for Well-Trained SV Prosecutors	<i>Recommendation 106:</i> The Service Secretaries continue to assess and meet the need for well-trained prosecutors to support the Services' special victim capabilities, especially if there is increased reporting of sexual assaults.	Dec 15, 2014- DoD Approved (Services)
RSP R-107A Jun 2014	<u>SVIP CO-LOCATION MODELS</u> (SecDef) Assess Existing Co-Location Models for Best Practices	<i>Recommendation 107A:</i> The Secretary of Defense assess the various strengths and weaknesses of different co-location models at locations throughout the Armed Forces to continue to improve the efficiency and effectiveness of investigation and prosecution of sexual assault offenses.	Dec 15, 2014- DoD Approved (USD(P&R)) (DoD IG)
RSP R-107B Jun 2014	<u>SVIP CO-LOCATION</u> (Services) Consider Colocation of SV Investigators and Prosecutors (But not With SAPR or SVC)	<i>Recommendation 107B:</i> The Service Secretaries direct that each Service's Judge Advocate General Corps and military criminal investigative organizations work together to co-locate prosecutors and investigators who handle sexual assault cases on installations where sufficient caseloads justify consolidation and resources are available. Additionally, locating a forensic exam room with special victims' prosecutors and investigators, where caseloads justify such an arrangement, can help minimize the travel and trauma to victims while maximizing the speed and effectiveness of investigations. Because of the importance of protecting privileged communication with victims, the Panel does not recommend that the sexual assault response coordinator, victim advocate, special victim counsel or other victim support personnel be merged with the offices of prosecutors and investigators.	Dec 15, 2014- (USD(P&R)) Referred to Working Group (DoD OGC)

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Number	Brief Description	Recommendation	Action
RSP R-108 Jun 2014	<u>SVIP DUTY TITLES</u> (SecDef) Standardize SVIP Duty Titles	<i>Recommendation 108:</i> The Secretary of Defense require standardization of Special Victim Capability duty titles to reduce confusion and enable comparability of Service programs, while permitting the Service Secretaries to structure the capability itself in a manner that fits each Service’s organizational structure.	Dec 15, 2014- DoD Approved (USD(P&R))
RSP R-109 Jun 2014	<u>SVIP ASSESSMENT</u> (SecDef) Review SVIP Capability Annually	<i>Recommendation 109:</i> The Secretary of Defense assess the Special Victim Capability annually to determine the effectiveness of the multidisciplinary approach and the resources required to sustain the capability, as well as continue to develop metrics such as the victim “drop-out” rate, rather than conviction rates, to determine success.	Dec 15, 2014- DoD Approved in Part (USD(P&R))
RSP R-110 Jun 2014	<u>SVIP/ SVP TRAINING</u> (Services) Increase SVP Training To Litigate Adult Sexual Assault Cases	<i>Recommendation 110:</i> The Service Judge Advocate Generals and the Staff Judge Advocate to the Commandant of the Marine Corps sustain or increase training of judge advocates to maintain the expertise necessary to litigate adult sexual assault cases in spite of the turnover created by personnel rotations within the Services’ Judge Advocate General Corps.	Dec 15, 2014- DoD Approved (Services)
RSP R-111 Jun 2014	<u>SVP / DEFENSE COUNSEL SHARED RESOURCES</u> (Services) Emphasize Shared Resources and Expertise in Sexual Assault Crimes	<i>Recommendation 111:</i> The Service Judge Advocate Generals and the Staff Judge Advocate to the Commandant of the Marine Corps sustain and broaden the emphasis on developing and maintaining shared resources, expertise, and experience in prosecuting and defending adult sexual assault crimes.	Dec 15, 2014- DoD Approved (Services)

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Number	Brief Description	Recommendation	Action
RSP R-112 Jun 2014	<p><u>SVP/ DEFENSE COUNSEL/ TRAINING WORKING GROUP</u></p> <p>(SecDef) Create Working Group on SVP/DC Sexual Assault Training and Report Annually for 5 Years</p>	<p><i>Recommendation 112:</i> The Secretary of Defense direct the establishment of a DoD judge advocate criminal law joint training working group to optimize sharing of best practices, resources, and expertise for prosecuting and defending adult sexual assault cases. The working group should produce a concise written report, delivered to the Service Judge Advocate Generals and the Staff Judge Advocate to the Commandant of the Marine Corps at least annually, for the next five calendar years.</p> <p>The working group should identify best practices, strive to eliminate redundancy, consider consolidated training, consider ways to enhance expertise in litigating sexual assault cases, and monitor training and experience throughout the Services. The working group should review training programs such as: the Army’s Special Victim Prosecutor program; the Navy’s Military Justice Litigation Career Track program; the Highly Qualified Expert programs used for training in the Army, Navy, and Marine Corps; the Trial Counsel Assistance and Defense Counsel Assistance Programs; the Navy’s use of quarterly judicial evaluations of counsel; and any other potential best practices, civilian or military.</p>	<p>Dec 15, 2014- DoD Approved (USD(P&R))</p> <p>(DoD OGC) referred to JSC</p>
RSP R-113 Jun 2014	<p><u>ARTICLE 120</u></p> <p>(JPP) Consider Bifurcating Penetrative And Non-Penetrative Offenses</p>	<p><i>Recommendation 113:</i> The Judicial Proceedings Panel and Joint Service Committee consider whether to recommend legislation that would either split sexual assault offenses under Article 120 of the UCMJ into different articles that separate penetrative and contact offenses from other offenses or narrow the breadth of conduct currently criminalized under Article 120.</p>	<p>Dec 15, 2014- DoD Approved in Part (DoD OGC)</p> <p>Referred to MJRG</p>
RSP R-114 Jun 2014	<p><u>CIVILIAN VS. MILITARY COURT</u></p> <p>(Congress) not enact Sect 3(b) VPA 2014 (Preference for Civilian vs. Military Court)</p>	<p><i>Recommendation 114:</i> Congress not enact Section 3(b) of the Victim’s Protection Act of 2014, which requires the convening authority to give “great weight” to a victim’s preference where the sexual assault case be tried, in civilian or military court. The Services do not have control over the civilian justice system, and jurisdiction must be based on legal authority, not the victim’s personal preferences, so this decision should remain within the discretion of the civilian prosecutor’s office and the convening authority.</p>	<p>Dec 15, 2014- (DoD OGC) Referred to MJRG</p>

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Number	Brief Description	Recommendation	Action
RSP R-115 Jun 2014	<u>DEPOSITIONS</u> (JPP) Asses Use of Depositions	<i>Recommendation 115:</i> The Judicial Proceedings Panel assess the use of depositions in light of changes to the Article 32 proceeding, and determine whether to recommend changes to the deposition process, including whether military judges should serve as deposition officers.	Dec 15, 2014 DoD Approved (DoD OGC) Referred to MJRG
RSP R-116 Jun 2014	<u>ARTICLE 32</u> (SecDef/MJRG) Evaluate if CA Should Not Be Able to Override Art 32 Recommendation	<i>Recommendation 116:</i> The Secretary of Defense direct the Military Justice Review Group or Joint Service Committee to evaluate if there are circumstances when a general court-martial convening authority should not have authority to override an Article 32 investigating officer's recommendation against referral of an investigated charge for trial by court-martial.	Dec 15, 2014 DoD Approved (DoD OGC) Under Review by MJRG
RSP R-117 Jun 2014	<u>PTA PROCESS</u> (JPP) Study Plea Bargaining Process	<i>Recommendation 117:</i> The Judicial Proceedings Panel study whether the military plea bargaining process should be modified.	Dec 15, 2014 DoD Approved (DoD OGC)
RSP R-118 Jun 2014	<u>MILITARY JUDGES PRE-REFERRAL</u> (SecDef/MJRG) Look at Involving Judges Earlier in Process	<i>Recommendation 118:</i> It is the sense of the Panel that military judges should be involved in the military justice process at an earlier stage to better protect the rights of victims and the accused. The Secretary of Defense direct the Military Justice Review Group or Joint Services Committee to evaluate the feasibility and consequences of involving military judges at an earlier stage.	Dec 15, 2014 DoD Approved (DoD OGC) Already Being Studied by MJRG
RSP R-119 Jun 2014	<u>SVP/ DEFENSE COUNSEL CIVILIAN EXPERTS</u> (Services) Continue to Fund Civilian Experts to Assist Military Lawyers	<i>Recommendation 119:</i> The Service Judge Advocate Generals and the Staff Judge Advocate to the Commandant of the Marine Corps continue to fund and expand programs that provide a permanent civilian presence in the training structure for both trial and defense counsel. The Services should continue to leverage experienced military Reservists and civilian attorneys for training, expertise, and experience.	Dec 15, 2014 DoD Approved (Services)

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Number	Brief Description	Recommendation	Action
RSP R-120 Jun 2014	<u>MILITARY JUDGES TRAINING</u> (Services) Fund More Training for Military Judges	<i>Recommendation 120:</i> The Service Judge Advocate Generals and the Staff Judge Advocate to the Commandant of the Marine Corps continue to fund sufficient training opportunities for military judges and consider more joint and consolidated programs.	Dec 15, 2014 DoD Approved (Services)
RSP R-121 Jun 2014	<u>GOOD MILITARY CHARACTER/ RCM 404</u> (Congress) Enact Sect 3(g) VPA 2014 (Military Character Not Admissible to Show Probability of Innocence)	<i>Recommendation 121:</i> Congress should enact Section 3(g) of the Victim's Protection Act of 2014 because it may increase victim confidence. Further changes to the military rules of evidence regarding character evidence are not necessary at this time.	Dec 15, 2014 (DoD OGC) Referred to MJRG
RSP R-122 Jun 2014	<u>JUDGE ALONE SENTENCING</u> (SecDef) Direct Study Regarding Judge Alone Sentencing	<i>Recommendation 122:</i> The Secretary of Defense direct a study to analyze whether changes should be made to the Manual for Courts-Martial, the UCMJ, and Service regulations, respectively, to make military judges the sole sentencing authority in sexual assault and other cases in the military justice system.	Dec 15, 2014 (DoD OGC) Referred to MJRG
RSP R-123 Jun 2014	<u>SENTENCING BY OFFENSE</u> (SecDef) Recommend Change to UCMJ to Require Sentencing Enumerated by Offense	<i>Recommendation 123:</i> The Secretary of Defense recommend amendments to the Manual for Courts-Martial and UCMJ to impose sentences which require the sentencing authority to enumerate the specific sentence awarded for each offense and to impose sentences for multiple offenses consecutively or concurrently to the President and Congress, respectively.	Dec 15, 2014 (DoD OGC) Referred to MJRG
RSP R-124 Jun 2014	<u>NO SENTENCING GUIDELINES</u> Do Not Adopt Sentencing Guidelines	<i>Recommendation 124:</i> The Panel does not recommend the military adopt sentencing guidelines in sexual assault or other cases at this time.	Dec 15, 2014 (DoD OGC) Referred to MJRG

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Number	Brief Description	Recommendation	Action
RSP R-125 Jun 2014	<u>NO FURTHER MANDATORY MINIMUMS</u> (Congress) Not Enact Further Mandatory Minimums	<i>Recommendation 125:</i> Congress not enact further mandatory minimum sentences in sexual assault cases at this time.	Dec 15, 2014 (DoD OGC) Referred to MJRG