

# Judicial Proceedings Panel Recommendations

## JPP Initial Report (February 2015)

Number	Brief Description	Recommendation and Implementation Status	Action
Executive Order Review Process			
JPP R-1 Feb 2015	(Secretary of Defense) Improve Executive Order Review Process	<p><i>Recommendation 1:</i> The Secretary of Defense examine the DoD and interagency review process for establishing guidance for implementing statutory provisions of the UCMJ and explore options to streamline the procedures.</p> <p>IMPLEMENTATION: (CONGRESS) FY 2016 NDAA § 543 - <b>The Secretary of Defense shall examine the DoD process for implementing statutory changes to the UCMJ for the purpose of developing options for streamlining such process. <u>The Secretary shall adopt procedures to ensure that legal guidance is published as soon as practicable whenever statutory changes to the UCMJ are implemented.</u></b></p> <p>(DoD) (Sep 2, 2016 DSD Memo) Approved.</p>	<p>FY 2016 NDAA § 543 Effective Nov 25, 2015</p> <p>Sep 2, 2016 DoD Approved</p>
SVC Program			
JPP R-2 Feb 2015	(Services) Implement Additional Selection Criteria for SVCs	<p><i>Recommendation 2:</i> The Secretary of Defense direct the Services to implement additional selection criteria requiring that judge advocates have adequate criminal justice experience before they are assigned as special victims' counsel.</p> <p>IMPLEMENTATION: (DoD) (Sep 2, 2016 DSD Memo) Approved in part. The Secretaries of the Military Departments shall implement additional selection criteria, to include selection and training of optimal candidates to effectively and zealously perform SVC duties.</p>	<p>Sep 2, 2016 DoD Approved in Part (Services)</p>

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<p>JPP R-3 Feb 2015</p>	<p>(Secretary of Defense) Establish Requirements for Content and Timing of SVC Training</p>	<p><i>Recommendation 3:</i> The Department of Defense develop a policy to standardize both the time frame within which to receive SVC training and the substantive requirements of SVC training.</p> <p>IMPLEMENTATION:</p> <p>(CONGRESS) FY 2016 NDAA § 535(a)(2) - <b>The Secretary of Defense shall (A) <u>develop a policy to standardize the time period within which a SVC receives training</u>; and (B) establish the baseline training requirements for a SVC.</b></p> <p>(DoD) (Sep 2, 2016 DSD Memo) Approved as required by FY16 NDAA.</p>	<p>FY 2016 NDAA § 535 Effective Nov 25, 2015</p> <p>Sep 2, 2016 DoD Approved</p>
<p>JPP R-4 Feb 2015</p>	<p>(Services) Optimize SVC Assignments to Maximize Face-to- Face Contact</p>	<p><i>Recommendation 4:</i> The Secretary of Defense direct the Services to perform regular evaluations to ensure SVCs' assignment to locations that maximize the opportunity for face-to-face interactions between SVCs and clients, and to develop effective means for SVCs to communicate with clients when face-to-face communication is not possible.</p> <p>IMPLEMENTATION:</p> <p>(CONGRESS) FY 2016 NDAA§ 535(b)(3) - <b>The Secretary of Defense in collaboration with the Secretaries of the military departments shall establish (A) <u>guiding principles</u> for the SVC program, to include ensuring that – (i) SVC are assigned to locations that maximize the opportunity for face-to-face-communication between counsel and clients; and (ii) effective means of communication are available to permit counsel and client interactions when face-to-face communication is not feasible.</b></p> <p>(DoD) (Sep 2, 2016 DSD Memo) Approved as required by FY16 NDAA.</p>	<p>FY 2016 NDAA § 535 Effective Nov 25, 2015</p> <p>Sep 2, 2016 DoD Approved</p>

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<p>JPP R-5 Feb 2015</p>	<p>(Secretary of Defense) Establish SVC Guiding Principles and Performance Measures</p>	<p><i>Recommendation 5:</i> The Secretary of Defense establish appropriate SVC program performance measures and standards, including evaluating, monitoring, and reporting on the SVC programs; establishing guiding principles for the Services; and ensuring centralized, standardized assessment of SVC program effectiveness and client satisfaction.</p> <p>IMPLEMENTATION:</p> <p>(CONGRESS) FY 2016 NDAA § 535(b)(3) - <b>The Secretary of Defense in collaboration with the Secretaries of the military departments shall establish (B) <u>performance measures and standards</u> to measure the effectiveness of the SVC program and client satisfaction with the program; and (C) <u>processes</u> by which the Secretaries of the military departments will <u>evaluate and monitor</u> the SVC program using such guiding principles and performance measures and standards.</b></p> <p>(DoD) (Sep 2, 2016 DSD Memo) Approved as required by FY16 NDAA.</p>	<p>FY 2016 NDAA § 535 Effective Nov 25, 2015</p> <p>Sep 2, 2016 DoD Approved</p>
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<p>JPP R-6 Feb 2015</p>	<p>(Services) Ensure SVC Access to Docketing Information and Case Filings</p>	<p><i>Recommendation 6:</i> The Secretary of Defense direct the Services to ensure SVCs and victims have appropriate access to docketing information and case filings. In part, this could be accomplished by adopting an electronic system akin to the civilian PACER (Public Access to Court Electronic Records) service.</p> <p>IMPLEMENTATION:</p> <p>(CONGRESS) FY 2017 NDAA § 5504 - <b>Creates a new Article 140a, UCMJ that requires the Secretary of Defense to prescribe uniform standards and criteria using, insofar as practicable, the best practices of Federal and State courts for: (1) collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews under article 146, UCMJ; (2) case processing and management; (3) timely, efficient, and accurate production and distribution of records of trial within the military justice system; and (4) facilitation of access to docket information, filings, and records, taking into consideration restrictions appropriate to judicial proceedings and military records.</b></p> <p>(DoD) (Sep 2, 2016 DSD Memo) Approved. The Secretaries of the Military Departments will develop guidance for their respective Departments to ensure victims of alleged offenses and their counsel have appropriate access to docketing information and case filings.</p>	<p>Sep 2, 2016 DoD Approved (Services)</p> <p>FY 2017 NDAA § 5504</p> <p>Must be Carried Out Within 2 Years of Final Passage</p> <p>Standards and Criteria Take Effect Within 4 Years</p>
<p>JPP R-7 Feb 2015</p>	<p>(Services) Establish Uniform SVC Participation Policies</p>	<p><i>Recommendation 7:</i> The Secretary of Defense direct the Services to establish uniform practices and procedures concerning SVCs' participation for all military judicial proceedings.</p> <p>IMPLEMENTATION:</p> <p>(DoD) (Sep 2, 2016 DSD Memo) Approved. The Secretaries of the Military Departments will establish uniform practices and procedures for their respective Departments concerning participation by counsel for victims of alleged offenses in military justice proceedings.</p>	<p>Sep 2, 2016 DoD Approved (Services)</p>

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<p>JPP R-8 Feb 2015</p>	<p>(Secretary of Defense) Consider Mandatory Interlocutory Review to CCA</p>	<p><i>Recommendation 8:</i> The Secretary of Defense consider establishing expedited procedures for victims to seek mandatory interlocutory review in the Service Courts of Criminal Appeals of any alleged violation of victims' rights.</p> <p>IMPLEMENTATION: (CONGRESS) FY 2015 NDAA § 535 - <b>Amends Article 6b, UCMJ by adding: If victim believes that a court-martial ruling violates victim's rights afforded by MRE 412 or 513, victim may petition the Court of Criminal Appeals for a writ of mandamus to require the court-martial to comply with the MRE.</b></p> <p>(DoD) (Sep 2, 2016 DSD Memo) Congress controls the jurisdiction of the military justice system's appellate courts. The FY16 NDAA § 531, expands the ability of victims of alleged offenses to seek review of claims of violations of their rights through petitions for writs of mandamus.</p>	<p>FY 2015 NDAA §535 Effective Dec 19, 2014</p> <p>Sep 2, 2016 DoD <b>Disapproved</b></p>
<p>JPP R-9 Feb 2015</p>	<p>(Secretary of Defense) Extend Length of Time for SVC Representation</p>	<p><i>Recommendation 9:</i> The Secretary of Defense propose timely revisions to statutes, the MCM, and/or regulations to extend eligibility for SVC representation so long as a right of the victim exists and is at issue.</p> <p>IMPLEMENTATION: (DoD) (Sep 2, 2016 DSD Memo) Approved in modified form. The Secretaries of the Military Departments will determine the point at which eligibility to receive SVC services ends in their respective Military Departments.</p>	<p>Sep 2, 2016 DoD Approved in Modified Form (Services)</p>
<p>JPP R-10 Feb 2015</p>	<p>(President) Eliminate "Constitutionally Required" Exception to MRE 412 at Article 32 Hearings</p>	<p><i>Recommendation 10:</i> The President sign an executive order eliminating the "constitutionally required" exception within M.R.E. 412 at Article 32 hearings.</p> <p>IMPLEMENTATION: (PRESIDENT) Executive Order 13696 (June 17, 2015) - Re-write of R.C.M. 405.</p> <p>(DoD) (Sep 2, 2016 DSD Memo) Approved as implemented by Executive Order 13696 (June 17, 2015).</p>	<p>E.O. 13696 June 17, 2015</p> <p>Sep 2, 2016 DoD Approved</p>

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## JPP Initial Report (February 2015)

Mental Health Records (MRE 513)			
<p>JPP R-11 Feb 2015</p>	<p>(Secretary of Defense) Additional Guidance for Protection of Mental Health Records</p>	<p><i>Recommendation 11:</i> The Secretary of Defense issue specific, uniform guidance to ensure that mental health records are neither sought from a medical treatment facility by investigators or military justice practitioners nor acknowledged or released by medical treatment facility personnel until a military judge or Article 32 hearing officer has ordered their production.</p> <p><b>IMPLEMENTATION:</b></p> <p>(DoD) (Sep 2, 2016 DSD Memo). Approved in part. The General Counsel directed the Joint Service Committee on Military Justice to recommend uniform guidance regarding release of mental health records to ensure an appropriate balance between the interests of law enforcement and privacy interests of victims of an alleged sex-related offense.</p>	<p>Sep 2, 2016 DoD Approved in Part (DoD OGC) Referred to JSC</p>

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## JPP Report on Restitution and Compensation (February 2016)

Number	Brief Description	Recommendation and Implementation Status	Action
Restitution and Compensation			
JPP R-12 Feb 1, 2016	(DoD) Develop Program to Cover Unreimbursed Expenses	<i>Recommendation 12:</i> The Department of Defense establish a new, uniform program that provides compensation for unreimbursed out-of-pocket expenses of victims of sexual assault crimes committed by Service members.  IMPLEMENTATION: None to date.	No Action
JPP R-13 Feb 1, 2016	(Congress) Do Not Amend UCMJ to Add Restitution as a Punishment	<i>Recommendation 13:</i> Congress not amend the Uniform Code of Military Justice to add restitution as an authorized punishment that may be adjudged at courts-martial.  IMPLEMENTATION: None to date.	No Action
JPP R-14 Feb 1, 2016	(Services) Provide Recurring Training on Availability of Restitution	<i>Recommendation 14:</i> The military Services provide recurring training to trial practitioners and victim assistance personnel on the availability and use of restitution in pretrial agreements between the government and the accused.  IMPLEMENTATION: None to date.	No Action
JPP R-15 Feb 1, 2016	(President) Enact E.O. to Modify R.C.M. 705(d)(3)	<i>Recommendation 15:</i> The President enact the Department of Defense's recently proposed executive order to modify Rule for Courts-Martial 705(d)(3) to provide victims the right to be heard before a convening authority enters into a pretrial agreement.  IMPLEMENTATION: None to date.	No Action
JPP R-16 Feb 1, 2016	(Congress) Do not Amend UCMJ to Direct Forfeited Wages be Used to Pay Compensation	<i>Recommendation 16:</i> Congress not amend the Uniform Code of Military Justice to direct that the forfeited wages of incarcerated members of the Armed Forces be used to pay compensation to victims of sexual assault crimes committed by Service members.  IMPLEMENTATION: None to date.	No Action
JPP R-17 Feb 1, 2016	(Congress) Do Not Amend UCMJ to Include Compensation for Bodily Harm	<i>Recommendation 17:</i> Congress not amend Article 139 of the Uniform Code of Military Justice to include bodily harm among the injuries meriting compensation for redress.  IMPLEMENTATION: None to date.	No Action

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## JPP Report on Article 120 of the UCMJ (February 2016)

Number	Brief Description	Recommendation and Implementation Status	Action
Article 120			
JPP R-18 Feb 4, 2016	(Congress) Amend the Definition of "Consent"	<p><i>Recommendation 18:</i> Congress should amend the definition of "consent" in Article 120(g)(8) of the Uniform Code of Military Justice.</p> <p>IMPLEMENTATION: (CONGRESS) FY 2017 NDAA § 5430(b)(4) - <b>The new provision follows the JPP recommended language exactly.</b></p>	FY 2017 NDAA § 5430(b)(4) Effective Upon Final Passage
JPP R-19 Feb 4, 2016	(President) Allow "Consent" and "Mistake of Fact" to be Raised as Defenses	<p><i>Recommendation 19:</i> The President should amend the Manual for Courts-Martial to specifically state that consent (as an attack on proof) and mistake of fact as to consent (as a clearly delineated defense) may be raised in any case in which they are relevant.</p> <p>IMPLEMENTATION: None to date.</p>	No Action
JPP R-20 Feb 4, 2016	(Congress) Define "Incapable of Consent"  (President) Provide Additional Guidance	<p><i>Recommendation 20:</i> Congress should amend Article 120 of the Uniform Code of Military Justice to provide a definition of the term "incapable of consenting" for cases under Article 120(b) and (d), and the President should provide further executive guidance about the circumstances to consider when considering whether a victim was incapable of consenting.</p> <p>IMPLEMENTATION: (CONGRESS) FY 2017 NDAA § 5430(b)(5) - <b>Though the NDAA added a definition for "incapable of consenting" as the JPP recommended, the provision includes different language than that proposed by the JPP. The definition adopted by Congress is based on federal statute 18 U.S.C. § 2242 (Sexual abuse). The JPP Subcommittee considered the federal definition, but determined that it was too narrow and based its recommended definition on <i>United States v. Pease</i>, 74 M.J. 763 (N-M. Ct. Crim. App. 2015).</b></p>	FY 2017 NDAA § 5430(b)(5) Effective Upon Final Passage

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## JPP Report on Article 120 of the UCMJ (February 2016)

<p>JPP R-21 Feb 4, 2016</p>	<p>(Congress) Remove Element of “Bodily Harm”</p>	<p><i>Recommendation 21:</i> Congress should amend and replace the reference in Article 120(b)(1)(B) of the Uniform Code of Military Justice to “causing bodily harm” and should remove the definition of “bodily harm” from Article 120(g)(3).  IMPLEMENTATION:  (CONGRESS) FY 2017 NDAA § 5430(b)(3) - <b>The definition and element of “bodily harm” were deleted from Article 120 as recommended by the JPP.</b></p>	<p>FY 2017 NDAA § 5430(b)(3) Effective Upon Final Passage</p>
<p>JPP R-22 Feb 4, 2016</p>	<p>(Congress) Amend Definition of “Sexual Act” and “Sexual Contact”</p>	<p><i>Recommendation 22:</i> Congress should amend the definitions of “sexual act” and “sexual contact” in Article 120(g)(1)–(2) of the Uniform Code of Military Justice.  IMPLEMENTATION:  (CONGRESS) FY 2017 NDAA § 5430(b)(1), (2) - <b>The NDAA revision to the definition of “sexual act” reflects the JPP recommended definition exactly and the definition of “sexual contact” is nearly identical to the JPP recommendation, though slightly less clear. The NDAA does not specify “intent” to arouse or gratify, as does the JPP recommended definition.</b></p>	<p>FY 2017 NDAA § 5430(b)(1), (2) Effective Upon Final Passage</p>
<p>JPP R-23 Feb 4, 2016</p>	<p>(Congress) Adopt New Theory of Liability for Coercive Sex Acts Based on Perpetrator Position or Authority</p>	<p><i>Recommendation 23:</i> Congress should adopt a new theory of liability in Article 120(b)(1)(E) of the Uniform Code of Military Justice for coercive sexual acts or contact in which a perpetrator has used position, rank, or authority to obtain compliance by the other person.  IMPLEMENTATION:  <b><u>Included in Senate version of NDAA (S.2943); this provision is NOT included in conference report for FY 2017 NDAA. This was a House amendment and the conferees noted that this conduct is prohibited under Article 93a, UCMJ, as added in the FY 17 NDAA.</u></b></p>	<p>Not Adopted in FY 2017 NDAA</p>

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## JPP Report on Retaliation (February 2016)

Number	Brief Description	Recommendation and Implementation Status	Action
Retaliation			
JPP R-24 Feb 11, 2016	(DoD) Specify Processes for Reporting and Investigating, Monitoring, and Tracking Retaliation	<p><i>Recommendation 24:</i> In the Department of Defense's strategy addressing retaliation related to sexual assault, the Secretary of Defense specify (1) processes for reporting and investigating retaliation, (2) responsibility for the collection and monitoring of reports, and (3) mechanisms for tracking retaliation complaints and outcomes.</p> <p>IMPLEMENTATION: None to date.</p>	No Action
JPP R-25 Feb 11, 2016	(SECRETARY OF DEFENSE/Service Secretaries) Develop Standardized Form to Track Retaliation in DSAID	<p><i>Recommendation 25:</i> The Secretary of Defense and Service Secretaries develop a standardized form for reporting retaliation. The standardized form should be linked to DD Form 2910 in the Defense Sexual Assault Incident Database to properly track retaliation allegations related to sexual assault offenses, should provide victims of retaliation with the option to file an informal or formal retaliation report, and should be updated throughout the investigative and judicial process to ensure that the retaliation allegation is monitored and resolved.</p> <p>IMPLEMENTATION: None to date.</p>	No Action
JPP R-26 Feb 11, 2016	(SECRETARY OF DEFENSE/Service Secretaries) Provide Multiple Reporting Channels and Task SARC to Track and Report Retaliation	<p><i>Recommendation 26:</i> The Secretary of Defense and Service Secretaries continue to provide multiple channels for Service members to report retaliation. In addition, the Secretary of Defense and Service Secretaries formally task installation sexual assault response coordinators (SARCs) with consolidating information from reports on retaliation, recording information on retaliation reports in the Defense Sexual Assault Incident Database, and ensuring that information about the investigation and resolution of retaliation claims is properly and fully monitored.</p> <p>IMPLEMENTATION: None to date.</p>	No Action

# Judicial Proceedings Panel Recommendations

## JPP Report on Retaliation (February 2016)

<p>JPP R-27 Feb 11, 2016</p>	<p>(Congress) Require Secretary of Defense to Track Retaliation and Include in Annual SAPRO Report</p>	<p><i>Recommendation 27:</i> Congress require the Secretary of Defense and Service Secretaries to track retaliation allegations related to sexual assault offenses and publish information regarding retaliation complaints, investigations, and final dispositions in the Department’s annual report to Congress on sexual assault prevention and response.</p> <p>IMPLEMENTATION:</p> <p>(CONGRESS) FY 2017 NDAA § 543 - Requires DoD to include in the SAPRO report information on each claim of retaliation in connection with a report of sexual assault in the Armed Force made by or against a member of such Armed Force as follows: (1) a narrative description of each complaint; (2) the nature of each, including whether the complainant claims professional or social retaliation; (3) the gender of the complainant; (4) the gender of the individual claimed to have committed the retaliation; (5) the nature of the relationship between the complainant and the individual claimed to have committed the retaliation; (6) the nature of the relationship, if any, between the individual alleged to have committed the sexual assault concerned and the individual claimed to have committed the retaliation; (7) the official or office that received the complaint; (8) the organization that investigated or is investigating the complaint; (9) the current status of the investigation; (10) if the investigation is complete, a description of the results of the investigation, including whether the results of the investigation were provided to the complainant; and (11) if the investigation determined that retaliation occurred, whether the retaliation was an offense under the UCMJ.</p>	<p>FY 2017 NDAA § 543 Effective Upon Final Passage</p>
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## JPP Report on Retaliation (February 2016)

<p>JPP R-28 Feb 11, 2016</p>	<p>(Secretary of Defense) Require DoDIG Investigate Professional Retaliation Related to Sexual Assault Report</p>	<p><i>Recommendation 28:</i> The Secretary of Defense establish a policy that requires the DoD Office of Inspector General to investigate all complaints of professional retaliation related to sexual assault. The Secretary of Defense ensure that these investigations are prioritized and conducted by personnel with specialized training. The Secretary of Defense require the inspectors general to report the status of the investigations to the installation sexual assault response coordinators (SARCs) prior to each monthly case management group meeting.</p> <p>IMPLEMENTATION: <b>New DoD policy announced July 29, 2016.</b></p>	<p>New DoD Policy Announced July 29, 2016</p>
<p>JPP R-29 Feb 11, 2016</p>	<p>(Service Secretaries) Policy to Train Personnel Assigned to Investigate Retaliation</p>	<p><i>Recommendation 29:</i> The Service Secretaries establish policies to ensure that personnel assigned by commanders to investigate retaliation complaints are properly trained on issues regarding retaliation relating to sexual assault.</p> <p>IMPLEMENTATION: (CONGRESS) FY 2017 NDAA § 546 - <b>Requires that DoD personnel who investigate claims of retaliation receive training on the nature and consequences of retaliation, and, in cases involving reports of sexual assault, the nature and consequences of sexual assault trauma.</b></p>	<p>FY 2017 NDAA § 546 Effective Upon Final Passage</p>
<p>JPP R-30 Feb 11, 2016</p>	<p>(Secretary of Defense/Service Secretaries) Expand Expedited Transfer Program to Include Job Retraining</p>	<p><i>Recommendation 30:</i> The Secretary of Defense and Service Secretaries expand the expedited transfer program to include job retraining for Service members who belong to small specialty branches and to be made available, on a case-by-case basis, to bystanders and witnesses of sexual assault who experience retaliation.</p> <p>IMPLEMENTATION: None to date.</p>	<p>No Action</p>

# Judicial Proceedings Panel Recommendations

## JPP Report on Retaliation (February 2016)

<p>JPP R-31 Feb 11, 2016</p>	<p>(Secretary of Defense) Establish Guidelines on Release of Disposition Information to Complainants</p>	<p><i>Recommendation 31:</i> The Secretary of Defense establish specific guidelines clarifying what information can be released to a person who files a retaliation complaint related to a sexual assault.</p> <p>IMPLEMENTATION: (CONGRESS) FY 2017 NDAA § 547 - <b>Under regulations prescribed by the Secretary of Defense, upon the conclusion of an investigation by an office, element, or personnel of DoD or of the Armed Forces of a complaint by a member of the Armed Forces of retaliation, the member shall be informed in writing of the results of the investigation, including whether the complaint was substantiated, unsubstantiated, or dismissed.</b></p>	<p>FY 2017 NDAA § 547 Effective Upon Final Passage</p>
<p>JPP R-32 Feb 11, 2016</p>	<p>(Secretary of Defense) Track Implementation of GO/FO Review of Involuntary Separations of Sexual Assault Victims</p>	<p><i>Recommendation 32:</i> The Secretary of Defense begin tracking the Services' implementation of the statutory requirement that general or flag officers review proposed involuntary separations of Service members who made unrestricted reports of sexual assault within the preceding year.</p> <p>IMPLEMENTATION: None to date.</p>	<p>No Action</p>
<p>JPP R-33 Feb 11, 2016</p>	<p>(Service Secretaries) Revise Intent Requirement for Maltreatment</p>	<p><i>Recommendation 33:</i> The Service Secretaries revise their regulatory definitions of maltreatment, which currently contain an overly narrow intent requirement.</p> <p>IMPLEMENTATION: None to date.</p>	<p>No Action</p>
<p>JPP R-34 Feb 11, 2016</p>	<p>(Congress) Refrain from Creating UCMJ Offense for Social Retaliation</p>	<p><i>Recommendation 34:</i> Congress refrain from creating an enumerated offense prohibiting social retaliation in the Uniform Code of Military Justice.</p> <p>IMPLEMENTATION: None to date.</p>	<p>No Action</p>
<p>JPP R-35 Feb 11, 2016</p>	<p>(SECRETARY OF DEFENSE/Service Secretaries) Develop Training on Retaliation</p>	<p><i>Recommendation 35:</i> The Secretary of Defense and Service Secretaries develop innovative and effective training on retaliation for commanders and all other Service members, including targeted training that may be used in response to problems of retaliation within an organization.</p> <p>IMPLEMENTATION: None to date.</p>	<p>No Action</p>

# Judicial Proceedings Panel Recommendations

## JPP Report on Retaliation (February 2016)

JPP R-36 Feb 11, 2016	(SECRETARY OF DEFENSE) Parallel MWPA with that for DoD Civilians	<i>Recommendation 36:</i> The Secretary of Defense revise the elements and burdens of proof for reprisal claims made under the Military Whistleblower Protection Act so that they parallel the elements and burdens of proof outlined in the Whistleblower Protection Act for DoD civilians.  IMPLEMENTATION: None to date.	No Action
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# Judicial Proceedings Panel Recommendations

## JPP Report on Court-Martial Data (April 2016)

Number	Brief Description	Recommendation and Implementation Status	Action
Court-Martial Data Trends			
JPP R-37 April 19, 2016	(DOD) Create Document-Based Case Adjudication Data System	<p><i>Recommendation 37:</i> The Department of Defense collect and analyze case adjudication data using a standardized, document-based collection model, similar to systems used by the Judicial Proceedings Panel or U.S. Sentencing Commission, that incorporates uniform definitions and categories across all of the military Services.</p> <p>IMPLEMENTATION:</p> <p>(CONGRESS) FY 2017 NDAA § 5504 - <b>Requires the Secretary of Defense to prescribe uniform standards and criteria using, insofar as practicable, the best practices of Federal and State courts for: (1) collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews under article 146, UCMJ; (2) case processing and management; (3) timely, efficient, and accurate production and distribution of records of trial within the military justice system; and (4) facilitation of access to docket information, filings, and records, taking into consideration restrictions appropriate to judicial proceedings and military records.</b></p>	<p>FY 2017 NDAA § 5504</p> <p>Must be Carried Out Within 2 Years of Final Passage</p> <p>Standards and Criteria Take Effect Within 4 Years</p>

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## JPP Report on Court-Martial Data (April 2016)

<p>JPP R-38 April 19, 2016</p>	<p>(DOD) Include FAP Data in Annual SAPRO Report</p>	<p><i>Recommendation 38:</i> The Department of Defense include legal disposition information related to all adult sexual assault complaints in one annual DoD report, changing its policy that excludes adult-victim cases that are handled by the Family Advocacy Program from Sexual Assault Prevention and Response Office reports.</p> <p>IMPLEMENTATION: (CONGRESS) FY 2017 NDAA § 544 - <b>Extends SAPRO annual reporting requirement through March 2021 and requires the Secretary of Defense to ensure that the annual SAPRO reports are delivered to Congress simultaneously with the Family Advocacy Program report for that year regarding child abuse and domestic violence, as required by section 574 of the FY 2017 NDAA (requires an annual FAP report that includes intimate partner and child sexual abuse).</b></p>	<p>FY 2017 NDAA § 544</p> <p>First Report Due Not Later Than April 30, 2017, and Annually Thereafter</p>
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