



RESPONSE SYSTEMS TO ADULT
SEXUAL ASSAULT CRIMES PANEL
(RSP)
&
JUDICIAL PROCEEDINGS PANEL
SINCE FISCAL YEAR 2012
AMENDMENTS
(JPP)



RSP

- ESTABLISHED
 - Mandated by NDAA for FY 2013 – FOCUS ON ADULT SEXUAL ASSAULT
 - Composition
 - 9 members
 - 5 appointed by SECDEF
 - 4 appointed by Chair and Ranking member of HASC and SASC
- PURPOSE:
 - Provide recommendations on how to improve the effectiveness of the investigation, prosecution and adjudication of crimes involving adult sexual assault and related offenses.
- DELIVERABLES – Provide report within one year to SECDEF and HASC/SASC
 - Terminated on June 27, 2014.

RSP in action





SCOPE OF RSP

- Assess strengths / weaknesses of the systems, including the administration of the UCMJ, and the investigation, prosecution, and adjudication of adult sexual assault crimes during the period 2007 through 2011.
- Compare military / civilian systems for the investigation, prosecution, and adjudication of adult sexual assault crimes. Include an assessment of differences in providing support and protection to victims, and the identification of civilian best practices for incorporation into any phase of the military system.
- Assess advisory sentencing guidelines used in civilian courts in adult sexual assault cases and whether it would be advisable to promulgate sentencing guidelines for use in courts-martial.
- Assess training level of military defense and trial counsel, including their experience in defending or prosecuting adult sexual assault crimes and related offenses, as compared to prosecution and defense counsel for similar cases in the Federal and State court systems.



SCOPE OF RSP

- Assess and compare military court-martial conviction rates with those in the Federal and State courts and the reasons for any differences.
- Assess roles / effectiveness of commanders at all levels in preventing & responding to reports of sexual assault.
- Assess strengths / weakness of proposed legislative initiatives on the role of commanders in the administration of military justice and the investigation, prosecution, and adjudication of adult sexual assault crimes.
- Assess adequacy of the systems and proceedings to support and protect victims in all phases of the investigation, prosecution, and adjudication of adult sexual assault crimes, including whether victims are provided the rights afforded by 18 U.S.C. § 3771, Department of Defense Directive 1030.1, and Department of Defense Instruction 1030.2.
- Such other matters and materials the Response Systems Panel considers appropriate.



RSP SUBCOMMITTEES

- Role of the Commander
 - Study role & effectiveness of commanders at all levels in the investigation, prosecution, adjudication of sexual assault, prevention, and response to sexual assault.
 - Assess strengths/weaknesses on current/proposed legislation to modify role of commander in military justice.
- Comparative Systems
 - Assess and compare military and civilian systems used to investigate, prosecute and adjudicate adult sexual assault crimes.
- Victim Services
 - Assess adequacy of victim services in the military.
 - Differences between military and civilian victim support services.
 - Enforcement of crime victims rights.



RSP

- Issued 138 Recommendations
 - DoD accepted 88 recommendations
 - Partially approved 10 recommendations.
 - One recommendation disapproved.
 - Remaining recommendations were referred for further review by DoD, were already under review by Military Justice Review Group, or the Joint Services Committee on Military Justice, or in pending legislation.
 - Deferred consideration of one recommendation because JPP was the next follow-on panel.



JPP

- ESTABLISHED – FOCUS ON ADULT SEXUAL ASSAULT
 - Mandated by NDAA for FY 2013 –
 - Composition
 - 5 members -- two of whom must have served on RSP
 - Appointed by DEPSECDEF
- PURPOSE:
 - Conduct independent review of judicial proceedings conducted under the UCMJ involving adult sexual assault crimes since the amendments made to the UCMJ by section 541 of NDAA for FY 2012
- DELIVERABLES – Provide annual report(s) to SECDEF and HASC/SASC
 - Terminates September 2017.

JPP in action





SCOPE OF JPP

- Assess implementation of the reforms to rape, sexual assault, and other sexual misconduct under the UCMJ enacted by section 541 of the FY 2012 NDAA.
- Review trends in courts-martial proceedings, non-judicial punishment and administrative actions, including the number of punishments by type, the consistency / appropriateness of the decisions, punishments, and administrative actions.
- How prior sexual conduct of the alleged victim was considered and impact on the case.



SCOPE OF JPP

- Identify trends in punishments compared with the punishments rendered by Federal and State criminal courts.
- Review / evaluate instances when punishments were reduced / set aside upon appeal and the instances in which the defendant appealed following a plea agreement, if information is available.
- Assess the trends in the training and experience levels of military defense and trial counsel in adult sexual assault cases and the impact of those trends in the prosecution and adjudication of such cases.



SCOPE OF JPP

- Monitor trends in the development, utilization and effectiveness of the special victims capabilities required by Section 573 of the FY 2013 NDAA.
- Monitor the implementation of the April 20, 2012, Secretary of Defense policy memorandum regarding withholding initial disposition authority under the UCMJ in certain sexual assault cases.
- Assess the likely consequences of amending the definition of rape and sexual assault to expressly cover a situation in which a person subject to the UCMJ commits a sexual act upon another person by abusing one's position in the chain of command of the other person to gain access to or coerce the other person.
- Assess the implementation and effect of the Special Victim's Counsel for victims of sex-related offenses.



SCOPE OF JPP

- Assess the implementation / effect of the mandatory minimum sentences which requires at a minimum, that upon a finding of guilt for the offenses of rape, sexual assault, rape, forcible sodomy, and attempts to commit such acts, the punishment include dismissal or dishonorable discharge.
- Assess the adequacy of compensation / restitution for victims of offenses; develop recommendations.
- The impact of the use of any mental health records of the victim as compared to the use of similar records in civilian criminal legal proceedings.
- Review / the establishment of a privilege against the disclosure of communications relating to DoD Safe Helpline operators and users.



JPP

- Released initial report on Feb 4, 2015
- Released 4 reports in 2016
 - Restitution and Compensation Report
 - Retaliation Report
 - Article 120 Report
 - Statistical data regarding military adjudication of sexual assault offenses
- To date issued 38 recommendations
 - Restitution and Compensation Report
 - Retaliation Report
 - Article 120 Report
 - Statistical data regarding military adjudication of sexual assault offenses



JPP

SUBCOMMITTEE:

- Consists of 9 members – two of whom are on the JPP
- Conducted site visits is installations in the US and Asia
- Currently preparing reports of observations at site visits relevant to JPP taskings for consideration and deliberation by JPP



JPP

- FUTURE MEETINGS ARE PUBLISHED ON THE WEBSITE FOR THE JPP AND THE FEDERAL REGISTER.
 - Next meeting: February 24, 2017
- OPEN TO THE PUBLIC
- ANY QUESTIONS?