

Dept. of Justice: AG Kaul urges Congress to reform military justice for sexual assault survivors

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MADISON, Wis. – Attorney General Josh Kaul joined a bipartisan coalition of 29 attorneys general calling on Congress to pass the Military Justice Improvement and Increasing Prevention Act of 2021. The legislation, which has strong bipartisan support, would reshape the manner in which the United States military investigates and prosecutes sexual assault.

“Members of the U.S. Armed Forces must be able to report sexual assault without fear of retaliation,” said Attorney General Josh Kaul. “By passing the Military Justice Improvement and Increasing Prevention Act, Congress can help get justice for more survivors of sexual assault.”

In the letter, the coalition highlights the need to address serious, longstanding problems in underreporting and prosecuting sexual assaults in the military. The Military Justice Improvement and Increasing Prevention Act would professionalize the military’s prosecution of serious crimes like sexual assault. The Act addresses widespread reluctance to report sexual assault due to bias in the military chain of command’s power to decide whether cases move forward to a trial. The Act would instead ensure that decisions about whether to prosecute sexual assault or domestic violence crimes are made by independent, trained, professional military prosecutors while leaving uniquely military crimes within the chain of command.

Additionally, the Act requires increased sexual assault prevention training for military personnel, as well as added instruction for prosecutors on the proper conduct, presentation, and handling of sexual assault and domestic violence cases. If passed, the Military Justice Improvement and Increasing Prevention Act would

constitute the largest change to the military justice system in the last 70 years.

Each year, thousands of service members experience sexual assault. Of those, only a small percentage ever report their assault – often because they suffer retaliation. In many cases, the assailant is someone in the service member's own chain of command, creating an additional risk of retaliation. Even when sexual assaults are reported, only a handful of perpetrators are held accountable; in fact, only approximately 9% of assaults result in a conviction.

Joining Attorney General Kaul in calling on Congress to pass the Military Justice Improvement and Increasing Prevention Act are the attorneys general of Alaska, California, Colorado, Connecticut, Delaware, the District of Columbia, Guam, Hawaii, Idaho, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Vermont, Virginia, and Wyoming.