

## Congress Passes Major Military Sex Assault Reform

By Rebecca Ruiz, Contributor

The Senate passed a bill Thursday that contains several important changes to how the military handles sexual assault within its ranks. The legislation was included in the National Defense Authorization Act, an annual spending bill that funds the military. After months of debate about potential reforms, Congress approved measures that, among other things, prohibit commanders from overturning jury convictions; provide victims with a liaison to counsel and represent them during an investigation and trial; require mandatory dismissal or dishonorable discharge for offenses like forcible sodomy; and, extend certain established “rights” to victims of sexual assault, including the right to “be reasonably protected from the accused.”

The reforms reflect sustained outrage over numerous sexual assault scandals in the last year at Lackland Air Force Base, the U.S. Naval Academy, Fort Hood and other military sites. The bill, however, does not include a controversial provision championed by Sen. Kirsten Gillibrand (D-N.Y.) to remove prosecutorial authority from the chain of command. Gillibrand favored giving that power to prosecutors instead, arguing that commanders were often biased and lacked the legal experience necessary to determine when to charge a service member accused of sexual assault.

Greg T. Rinckey, a former Judge Advocate General in the military who now represents service members seeking sex assault-related disability benefits from the Department of Veterans Affairs, described the bill as a good compromise that “fixes a lot of the problem.” Rinckey, who did not support Gillibrand’s amendment, said the legislation includes mechanisms to ensure that allegations are investigated thoroughly and properly. For example, retaliation against a victim will be punishable, and if a victim alleges that his or her case wasn’t properly investigated, that complaint will be reviewed by the Defense Department Inspector General instead of an auditor at the victim’s military installation.

“Is there still going to be retaliation? That’s probably going to happen,” Rinckey said, “but now there’s a mechanism to hold people accountable. [Victims] will not be so scared to come forward.”

Data collected by the Defense Department indicates that sex assaults are dramatically underreported. During the first three quarters of this fiscal year, service members made 3,553 complaints regarding sex assault, which was defined as rape, sodomy and other unwanted sexual contact. This represented a 46 percent increase compared to the same time period — from October to June — in 2012. By contrast, in an anonymous survey 26,000 respondents reported some type of sexual assault during the 2012 fiscal year.

Advocates and lawmakers who lobbied for the reforms are cautiously optimistic about the new measures. “Today represents a huge win for victims of sexual assault, and for justice in America’s armed forces, but this is no finish line,” Sen. Claire McCaskill (D-Mo.) told the Associated Press. “In the months and years ahead, vigilance will be required to ensure that these historic reforms are implemented forcefully and effectively.”