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**NAESV Applauds Executive Order Implementing Historic Military Justice Reforms Strengthening the Response to Sexual Assault**

Today, President Biden signed an executive order implementing changes recommended by the Department of Defense Internal Review Commission and included in the FY 22 National Defense Authorization Act removing prosecution of sexual assault and related crimes from the chain of command.  NAESV CEO Monika Johnson-Hostler commented:

*“For the past decade, the National Alliance to End Sexual Violence has advocated for specialized sexual assault prosecutors in the military outside of the chain of command. Building on the important work of the Internal Review Commission and the FY 22 National Defense Reauthorization Act, President Biden’s executive order implementing this major new policy shows a commitment to systemic change at the Department of Defense that can make a real difference for survivors of sexual assault and domestic violence seeking justice through military courts. It is exciting to see this collective advocacy effort come to fruition.”*

**Background:**

NAESV welcomed the report of the Department of Defense Internal Review Commission (IRC) on Sexual Assault in the Military and the National Defense Reauthorization Act (NDAA) agreement reached by Congress enshrining some of the major recommendations of the IRC ensuring that sexual assault and other major crimes are prosecuted by attorneys with specialized expertise independent from the chain of command.

This executive order implements these historic, bipartisan military justice reforms that significantly strengthen how the military handles sexual assault cases including:

* Transferring key decision-making authorities from commanders to specialized, independent military prosecutors (special trial counsel) in cases of sexual assault, domestic violence, murder, and other serious offenses by amending the Uniform Code of Military Justice (UCMJ);
* Establishing the rules that will govern the new Offices of Special Trial Counsel (OSTC), the independent military prosecutors who will now decide, in the place of commanders, whether to prosecute covered offenses such as sexual assault and domestic violence, child abuse, and murder;
* Making clear that prosecutorial decisions made by special trial counsel are binding and fully independent from the chain of command;
* Delineating the relationship and authorized interactions between special trial counsel and commanders to protect the independence of special trial counsel;
* Modernizing procedures to better protect victims and promote fairness before, during and after court-martial proceedings;
* Reforming the court-martial sentencing system to promote uniformity and fairness, as recommended by the IRC, to reduce disparities in sentencing in cases of rape and sexual assault; and
* Creating a uniform evidence standard for non-judicial punishment actions, which the IRC highlighted as critical to make consistent across the military services given that most sexual misconduct cases are handled by nonjudicial punishment rather than courts-martial.

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*The National Alliance to End Sexual Violence is the voice in Washington for the 56 state and territorial sexual assault coalitions and 1500 rape crisis centers working to end sexual violence and support survivors.*