

Gillibrand Proposal

Report of a Sexual Assault



Criminal Investigation Office Investigates

NOTE: A victim *does not* have to report an attack to their commanders. Rather, victims can report to a range of individuals, including medical personnel, law enforcement personnel, friends, neighbors, sexual assault prevention personnel, or, if they wish, their chain of command. The command does, after a report is made, play a critical role in protecting a victim, by separating a victim and an accused, for example.



Military Prosecutor Not in the chain of command
Reviews Investigation
Makes binding recommendation on court martial



If Yes



Court Martial Convened by Office of Courts-Martial Under the Chief of Staff of the Service

No trial; Commander makes a decision on Non-judicial punishment

If No



NOTE: Under this approach, if the military prosecutor chooses not to prosecute, that is the final and binding decision; a commander cannot disagree and order a trial anyway, as is common now, nor can any civilian official overrule the military prosecutor. This means the process will likely reduce chances for prosecution.