

DEFENSE ADVISORY COMMITTEE ON INVESTIGATION,  
PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT  
IN THE ARMED FORCES  
(DAC-IPAD)

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33RD PUBLIC MEETING

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WEDNESDAY  
FEBRUARY 21, 2024

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The Committee met via Video  
Teleconference, at 12:30 p.m. EST, Hon. Karla  
Smith, Chair, presiding.

PRESENT

- Hon. Karla Smith, Chair
- MG (R) Marcia Anderson
- Mr. William Cassara
- Ms. Meg Garvin
- Ms. Suzanne Goldberg
- Hon. Paul Grimm
- Mr. A.J. Kramer
- Ms. Jennifer Gentile Long
- Dr. Jenifer Markowitz
- Ms. Jennifer O'Connor
- BGen (R) James Schwenk
- Dr. Cassia Spohn
- Ms. Meghan Tokash
- Hon. Reggie Walton

## ALSO PRESENT

Mr. Dwight Sullivan, Designated Federal Official

## DAC-IPAD STAFF

Mr. Pete Yob, Executive Director

Ms. Stacy Boggess, Senior Paralegal

Ms. Theresa Gallagher, Attorney Advisor

Ms. Nalini Gupta, Attorney Advisor

Ms. Amanda Hagy, Senior Paralegal

Mr. Michael Libretto, Attorney Advisor

Ms. Marguerite McKinney, Management & Program  
Analyst

Ms. Meghan Peters, Deputy Director

Ms. Stayce Rozell, Senior Paralegal

Ms. Terri Saunders, Attorney Advisor

Ms. Eleanor Magers Vuono, Attorney Advisor

1 P-R-O-C-E-E-D-I-N-G-S

2 12:35 p.m.

3 MR. SULLIVAN: Good afternoon. I am  
4 Dwight Sullivan. I am the Designated Federal  
5 Officer of the Defense Advisory Committee on  
6 Investigation, Prosecution, and Defense of Sexual  
7 Assault in the Armed Forces, colloquially known  
8 as the DAC-IPAD. This public meeting is now  
9 open. Judge Smith.

10 CHAIR SMITH: Thank you.

11 MR. SULLIVAN: You have the comm.

12 CHAIR SMITH: Apologies everyone, I  
13 literally just stepped out of court. Thank you,  
14 Mr. Sullivan, and good afternoon.

15 I would like to welcome the members of  
16 the DAC-IPAD and everyone in attendance today for  
17 the 33rd Public Meeting of the Defense Advisory  
18 Committee on the Investigation, Prosecution, and  
19 Defense of Sexual Assault in the Armed Forces, or  
20 DAC-IPAD.

21 The DAC-IPAD was created by the  
22 Secretary of Defense in 2016 in accordance with

1 the National Defense Authorization Act for Fiscal  
2 Year 2015, as amended, for a 10-year term. Our  
3 mandate is to advise the Secretary of Defense on  
4 the Investigation, Prosecution, and Defense of  
5 allegations of Sexual Assault and other sexual  
6 misconduct involving members of the Armed Forces.

7 I would like to begin by acknowledging  
8 with gratitude the Military Justice experts from  
9 each of the military services' Criminal Law  
10 Divisions to generously serve as the DAC-IPAD  
11 service representatives, and who joined us for  
12 the meeting today welcome and thank you.

13 To summarize our agenda for this one  
14 hour virtual meeting, we will begin with the full  
15 Committee conducting deliberations on the draft  
16 6th Annual Report and then vote on adopting this.

17 Next, professional staff will provide  
18 briefing on the plans for Committee members to  
19 take part in military installation site visits in  
20 the near future.

21 Finally, our staff will provide an  
22 overview of long-term plans for the studies and

1 reports that this Committee has voted to  
2 undertake.

3 Now for a few housekeeping items. To  
4 those joining by video via Zoom, I ask that you  
5 please mute your device's microphone when not  
6 speaking. If any technical difficulties should  
7 occur with the video, we will break for 10  
8 minutes, move to a teleconference line and send  
9 the dial-in instructions by email.

10 Today's meeting is being recorded and  
11 transcribed, and the complete written transcript  
12 will be posted on the DAC-IPAD website.

13 Thank you all for being here today,  
14 and I will now turn the meeting over to the DAC-  
15 IPAD director, Mr. Pete Yob.

16 MR. YOB: Thank you, Chair Smith. I  
17 really appreciate that. Just two quick matters.  
18 I know we have an hour, so we are going to fly  
19 through my part really quickly.

20 One thing I want to put on the record  
21 is those who are present, I have visually viewed  
22 and can confirm that Major General Anderson is

1 here, Mr. Cassara, Ms. Garvin, Ms. Goldberg,  
2 Judge Grimm, Mr. Kramer, Dr. Markowitz, Brigadier  
3 General Schwenk, Chair Smith, Dr. Spohn, and Ms.  
4 Tokash. Those are the members I have present.

5 Were there any members, Committee  
6 members, who I did not identify and if you can  
7 please speak up if that is the case?

8 Okay, hearing none, those are the  
9 members. We do have a quorum. For the record,  
10 that confirms that part of my talk.

11 The other part is just some happy  
12 news. I want to just acknowledge that Meghan  
13 Peters is no longer the acting director for DAC-  
14 IPAD -- I'm sorry Deputy Director -- she is now  
15 the Deputy Director of DAC-IPAD. So  
16 congratulations to her.

17 We're really thrilled. She's done a  
18 phenomenal job. She's going to continue doing a  
19 phenomenal job for you. You can't be in better  
20 hands. So, thank you, Meghan, for taking on this  
21 responsibility and for doing this. It is much  
22 appreciated.

1                   And with that, I will throw it over it  
2 over to you to take the next part of this  
3 meeting.

4                   MS. PETERS: All right. Thank you,  
5 Pete. Good afternoon, members. I want to get us  
6 started on the annual report today. That is the  
7 top item of business. So if you can, please  
8 reference the updated draft that was sent to you  
9 all by email yesterday, January 20.

10                  As a reminder, the initial draft of  
11 the DAC-IPAD Sixth Annual Report was sent out on  
12 February 5 for your review and comment.

13                  Then what the staff did was take any  
14 edits and suggestions that you provided and  
15 updated the draft. That's what was sent to you  
16 yesterday. So that, the draft that was sent out  
17 most recently reflects your comments and  
18 suggestions and some staff edits that we've made  
19 since the 5th of February.

20                  I am going to go through the text of  
21 the main body and highlight those comments and  
22 suggestions. They are flagged and track changes

1 in the draft report.

2 I will also make note of some other  
3 non-substantive parts of the report, like key  
4 appendices, and I have a note about the  
5 transmittal letter that will accompany the report  
6 as usual.

7 As we go through, if you have a  
8 question or a comment, please go ahead and raise  
9 your hand. But since we are on Zoom, there is a  
10 chance that I don't see all the boxes at once.  
11 If I don't see you, please speak up. The reason  
12 is that I don't think I can see all members at  
13 once. So we will use our Zoom etiquette to the  
14 extent possible and just please speak up if I  
15 happen to overlook you.

16 It's a mistake on my part that I can't  
17 see everybody or a non-intentional, you know,  
18 overlooking of somebody's need to speak. We want  
19 to make sure everybody gets their comments out  
20 today during deliberation.

21 All right. So with that, everyone has  
22 the draft with them. Just to give you a quick



1 overview, you will see the organization of the  
2 report is laid out in the table of contents that  
3 we really have a summary upfront of the report  
4 that you all published in the last calendar year.  
5 And then we follow up with a summary of the  
6 activities of each subcommittee and then a  
7 summary of your other activities, like Courts  
8 Martial observations and attendance at various  
9 training courses. And then finally, we have a  
10 preview of the Committee's activities planned for  
11 next year, that being 2024. And the highlights  
12 there is the offsite public meeting in March and,  
13 of course, your upcoming site visits.

14 Now the appendices, as I mentioned,  
15 just as a note, we didn't push those out. We  
16 usually don't push those out for part of our  
17 deliberations. You can see they are listed in  
18 the draft report.

19 And they contain a lot of the standard  
20 materials we typically put in there every year.  
21 But you will notice in addition to the standard  
22 material that Appendix F we have the DAC-IPAD's

1 recommendation and the implementation chart. So  
2 that's referenced in the draft you all have.

3 And that is a reference to the  
4 implementation charts you all reviewed in  
5 December. And part of the plan we discussed back  
6 then was to take that magnificent compilation of  
7 recommendations and where they stand and the  
8 accomplishments based on those and wrap that up  
9 and roll that up into the annual report. And so  
10 the staff has done that, and I want to make note  
11 of that. You have already seen that document.

12 We will also include requests for  
13 information that were sent out over the last  
14 year, including our requests for Courts Martial  
15 documents that will support your future studies  
16 and case adjudication data for sexual assault  
17 cases that we hope as a staff we're working  
18 behind the scenes to sort of publish that. But  
19 at least the request for those cases, we can  
20 include that as an appendix in the report. Just  
21 a note on that.

22 So on to the report itself. We're

1 grateful for everyone's careful review and  
2 feedback. We got some really great comments and  
3 suggestions. And, again, please stop me as we go  
4 along if you want to add something along the way.  
5 If we are in the section of the report if you  
6 have a question or comment and you didn't get a  
7 chance to email it ahead of time, we will take  
8 that during this meeting now.

9 But the first note that we did receive  
10 pertains to Page 3. That's the executive  
11 summary. So you will see in track changes, there  
12 is a suggested edit to include one of the  
13 specific recommendation out of the 18 made in the  
14 last year and to highlight the specific  
15 recommendation and its quick adoption by the  
16 Secretary of Defense into policy. And that is  
17 the recommendation to establish uniform  
18 prosecution standards, which you all recommended  
19 in June of last year, was adopted in Appendix 2.1  
20 of the manual for Courts Martial that same year.

21 So a member commented that we should  
22 not only summarize the number of recommendations,

1 but if we could specifically highlight that quick  
2 turn of events that we recommended something and  
3 it made it into policy. And so that edit has  
4 been made here.

5 Are there any questions or comments  
6 about this addition to the executive summary?

7 MR. KRAMER: Meghan, it's --

8 MS. PETERS: Yes, Mr. Kramer?

9 MR. KRAMER: Yes, sorry. Should say  
10 right at the end contained in the Department of  
11 Justice Manual as opposed to the Justice Manual?

12 MS. PETERS: Right. We continue to  
13 the United States Justice Manual. I think that  
14 might be referenced in the footnotes. We'll make  
15 sure it reads correctly there.

16 MR. KRAMER: Also, I think this is the  
17 first mention of it. So it probably should say  
18 Department of Justice Manual or something like  
19 that.

20 MS. PETERS: Thank you. We'll make  
21 that change.

22 MR. KRAMER: Thanks.

1 MS. PETERS: Any other comments or  
2 questions?

3 MR. YOB: Meghan, I'm just going to  
4 jump in for one second and note that Judge Walton  
5 has joined us. Welcome, Judge Walton.

6 MS. PETERS: Okay. Thanks, Pete. All  
7 right. We're going through the annual report. I  
8 just went over a change to the executive summary  
9 on Page 3. I haven't heard any further comments  
10 or questions.

11 I will move on to the next note that  
12 we received in feedback is on the first page of  
13 the main body. And that's going to be the  
14 introduction, which starts on Page 10 of your  
15 copy.

16 So on Page 10 of the draft report, you  
17 will see that a footnote has been added to say  
18 that the DAC-IPAD's term expires in February of  
19 2026. It was a suggested addition suggested by a  
20 Member and the staff have made that edit. Are  
21 there any comments or questions on that?

22 Okay. Hearing none, seeing none, I

1 will move on.

2 MR. YOB: Meghan, while you're moving  
3 on, I just want to come on and say that Ms.  
4 O'Connor has also joined us for the record.  
5 Welcome, Ms. O'Connor.

6 MS. O'CONNOR: Hello. Sorry, I'm  
7 late.

8 MS. PETERS: All right. For those  
9 joining us, we're on the draft annual report that  
10 was emailed out on January 20. It is marked in  
11 track changes with the comments and changes  
12 suggested by Members over the last two weeks.

13 I would like you to turn your  
14 attention to Page 13 of the draft report. There  
15 are some suggested edits in this section which  
16 pertains to a summary of the report you published  
17 in June of last year on reforming pretrial  
18 procedures and prosecution standards.

19 We received a suggestion to include  
20 the new prosecution standard adopted in Appendix  
21 2.1. And basically the excerpt from that  
22 appendix, that language was adopted verbatim from

1 the DAC-IPAD policy recommendation. Previously,  
2 we had the text in a summary of your  
3 recommendation. But this edit would add in the  
4 corresponding policy changes and the relevant  
5 language from the appendix in the manual where  
6 your recommendation was implemented.

7 The other addition there, which again  
8 these edits begin on Page 13 and end on Page 14.  
9 So I will add to this that on Page 14, the other  
10 addition that goes along with this is to note  
11 another relevant policy development that occurred  
12 after your recommendation was issued. That is  
13 that the sufficiency of the evidence is a  
14 consideration that must be made in the referral  
15 process. That is a consideration now listed in  
16 the Rules for Court Martial at Rule for Court  
17 Martial 601.

18 So the Amendment to the Rules for  
19 Court Martial that are generally consistent with  
20 the standard for prosecution you all recommended  
21 makes it relevant to note that there was a  
22 subsequent change in the Rule for Court Martial.

1 So we've got a note about that in the body of the  
2 report.

3 Are there any questions or comments on  
4 that change? All right. And before we move on,  
5 I'm going to jump back to Page 13 because you  
6 will notice another edit in track changes is that  
7 one of the members just pointed out that when we  
8 were summarizing the recommendations on Page 13  
9 on pretrial procedures, we described the  
10 recommendation to make an Article 32 no probable  
11 cause determination binding. And it was  
12 suggested that we remind the reader that  
13 recommendation came with the caveat that -- or  
14 with pointing out that the binding determination  
15 is without prejudice to the government to prefer  
16 charges anew.

17 So that was an important part of the  
18 recommendations we had omitted in the original  
19 draft. We have now added it in there per the  
20 members' suggestions. So I just wanted to make a  
21 note of that.

22 And that is really what we did on



1 Pages 13 and 14. And I will just volunteer if  
2 anyone has any questions or comments on this  
3 section report. Again, we are summarizing our  
4 previous standalone reports or anything up to  
5 this part of the annual report. I just want to  
6 make sure I don't miss anybody.

7 Okay. Hearing no questions or  
8 comments, I will go to Page 15. On Page 15,  
9 there is a summary of the Collateral Misconduct  
10 letter you issued last year. We've added a  
11 member's suggestions, a description of the safe  
12 to report policies that were implemented during  
13 your reporting period on collateral misconduct.

14 We also realized it would make sense  
15 to point out other relevant policy updates, that  
16 is the authority of special trial counsel over  
17 covered and related offenses. And so we wanted  
18 to mention both policy updates in the main body  
19 because both safe-to-report policy, affect  
20 reporting in the last round and in any future  
21 round, and around the handling of collateral  
22 misconduct and how that data is collected and

1 report is necessarily going to be affected by the  
2 new authorities of the Special Trial Counsel that  
3 went into effect in December of 2023.

4 Your Collateral Misconduct letter came  
5 out in September before the Special Trial Counsel  
6 authority officially went into effect. So we  
7 wanted to make note of these changes and any  
8 policy developments around the handling of  
9 Collateral Misconduct is something we will want  
10 to make note of in the future. I think the  
11 Committee will continue to monitor.

12 Does anyone have any questions about  
13 the nature of these updates? I think there is a  
14 track changes note. And I also just highlighted  
15 the new text in yellow to make sure that you all  
16 saw that that was new. That was all the members'  
17 suggestions. Some of that was a staff edit.

18 Any questions or comments? All right.  
19 Hearing none, the next edit appears on Page 29.  
20 On Page 29 of the draft report, at the very end  
21 of the Special Projects Subcommittee update,  
22 members suggested tweaking the language in that

1 paragraph to note that the subcommittee, Special  
2 Projects Subcommittee, has already gone to work  
3 on one of its projects approved in December. And  
4 that is to assess the DAC-IPAD's previous  
5 recommendation to amend Article 34 and whether to  
6 reissue that recommendation to Congress in light  
7 of recent policy developments where the elevated  
8 prosecution standard is now in the appendix of  
9 the manual and in the OSTIC business rule and  
10 referenced in the Rules for Court Martial.

11 So the subcommittee noted it would  
12 like -- I think I have it noted that this isn't  
13 just a future assessment. This assessment is  
14 already occurring at the subcommittee level. And  
15 I should note that the subcommittee's assessment  
16 of Article 34 and how to convey that to the  
17 Committee and to Congress isn't something -- if  
18 we have time today, we will just tee up that  
19 issue and sort of give you a quick update on the  
20 Article 34 recommendation that was made in 2020,  
21 why to issue it now, how and sort of the plan for  
22 that because that's sort of a quick issue that's

1 already in development.

2 I am going to turn it over to, I  
3 think, Meghan Tokash a little bit later in this  
4 meeting for an update on that subcommittee's plan  
5 with regard to that recommendation. All to say  
6 required, I think, a proper, like, corresponding  
7 update in the annual report to reflect work  
8 that's already been done by the subcommittee.

9 Any questions on the Page 29? Okay.  
10 The last note that I have is on Page 32, a final  
11 edit. This is a summary of the site visit plan.

12 And a suggestion was made to  
13 parenthetically describe some more specific  
14 topics, particular to the round table discussions  
15 regarding the Offices of Special Trial Counsel.  
16 So that would be noting that some of the topics  
17 to be covered are the screening of cases, you  
18 know, the procedures by which cases were being  
19 deferred or selected for prosecution or alternate  
20 disposition and what are the standards that would  
21 apply to those assessments. So we sort of  
22 spelled out some of those specifics right here in

1 that paragraph.

2 Any comments or questions on that  
3 suggestion or that edit staff has made? All  
4 right. I don't hear any comments or questions.  
5 Any other topics or issues, questions about the  
6 annual report?

7 Okay. So that is -- we now have the  
8 main body, and we have your feedback. We've  
9 incorporated all of the edits.

10 And I just want to make a final note  
11 for your awareness that we usually draft -- we  
12 always have a transmittal letter that accompanies  
13 the report. When it goes to Congress, and the  
14 report is always published with that transmittal  
15 letter on top, and we thought that this year's  
16 transmittal letter would be a little bit longer,  
17 a little bit broader, just taking a different  
18 approach in line with the approach that we've  
19 taken in the body of the report.

20 Here we have highlighted the  
21 tremendous work done by the Committee in the last  
22 eight years. We have an appendix with an

1 implementation chart. We pushed out a lot of  
2 recommendations in the last year.

3 So with a sort of more detailed, more  
4 robust transmittal letter, we can sort of  
5 emphasize those themes and those accomplishments.  
6 And so we're just -- again, it's not substantive.  
7 It's all consistent with everything that's in the  
8 report. But the idea is to have a little bit  
9 more meat in the transmittal letter when we send  
10 the report to Congress.

11 And we want to thank Ms. Tokash and  
12 our director for developing that approach.  
13 Again, it's not a substantive part of the report.  
14 But I just want to make a note you will see  
15 something a little different this go around.

16 All right. If there is no discussion  
17 on the annual report, I believe I can turn it  
18 over to our director and to our chair for a vote.

19 MR. YOB: All right. I could take  
20 charge of that if you're okay, Chair Smith?

21 CHAIR SMITH: Yes.

22 MR. YOB: If there's no more

1 discussion and you're prepared to vote, I would  
2 ask that any member who -- we can do it this way,  
3 of the members present, are there any members who  
4 vote against going with the report as drafted  
5 with the changes that have been described by Ms.  
6 Peters for you? Anybody opposed to that, please  
7 raise your hand or vocalize that you are in  
8 opposition.

9           Hearing none, I am going to put down  
10 for the record that all the members who have been  
11 accounted for as present are in favor of and  
12 support the annual report as drafted with the  
13 changes that Ms. Peters has gone over during this  
14 meeting.

15           With that said, we have an annual  
16 report. Thank you very much. A lot of hard work  
17 went into that by a lot of you and by a lot of  
18 the staff members. So we're very pleased to have  
19 that going forward. And I am very proud of the  
20 way it looks and how it has shaped up so.

21           JUDGE GRIMM: Yeah, Mr. Yob, let me  
22 just back over -- I think all my colleagues will

1 echo is our thanks to the staff for once again  
2 displaying the substantial and terrific work that  
3 they do. And this is a big lift, and they did a  
4 great job as always.

5 CHAIR SMITH: I second that.

6 MR. YOB: Meghan, now back to you, and  
7 you can turn it over to the next topic.

8 MS. PETERS: Okay. Now that we've  
9 completed the annual report portion, I am going  
10 to turn it over to Terri Gallagher, who is going  
11 to talk to you about the plans for our 2024 site  
12 visit. Terri, over to you.

13 MS. GALLAGHER: Good afternoon,  
14 everyone. I want to take this opportunity to  
15 provide an overview and a status update on the  
16 upcoming site visit. I will cover the location  
17 and dates of the site visits, the structures of  
18 the roundtable, the roundtable participants and  
19 general topics. Please jump in with questions  
20 along the way.

21 First, the location you see on the  
22 shared screen. Those locations have all been



1 confirmed by the Services that they can support  
2 the DAC-IPAD site visits at these seven locations  
3 and dates between mid-March and late June.

4 The only exception is the Texas  
5 location for Cavazos is still working through  
6 logistics to see if they can support a site visit  
7 on those dates. It may be that we have to try to  
8 reschedule the Texas installation site visit.

9 These installations were chosen  
10 because they are large installations with a  
11 significant number of military justice  
12 practitioners that process a high volume of  
13 sexual misconduct cases. They are in close  
14 proximity to other service installations that  
15 have a similar volume and because of logistical  
16 feasibilities and efficiencies.

17 We just received confirmation this  
18 morning that the Coast Guard Military Justice  
19 practitioners and the CJIS investigative agents  
20 will be able to participate in the Norfolk, the  
21 Hawaii and the National Capitol Region site  
22 visits.

1                   Are there any questions about the  
2                   locations and dates?

3                   Okay. Let me move on to structure.  
4                   The intent of the site visits is to have the  
5                   Committee members engage in small group  
6                   discussions with the roundtable participants.  
7                   Each site visit is projected to have at least  
8                   three participating Committee members. The  
9                   discussions are non-attributional and will not be  
10                  recorded.

11                  So in addition to the Committee  
12                  members and the participants being in their  
13                  roundtable rooms, support staff will be present  
14                  in the room to take notes and to ensure all of  
15                  the topics of discussion are covered within the  
16                  allotted time.

17                  The Colorado site visit is different  
18                  than the others. And that's because we  
19                  anticipate having 13 Committee members attending  
20                  the DAC-IPAD public meeting at the Air Force  
21                  Academy, and 10 members participating in the Fort  
22                  Carson site visit the day before the public

1 meeting, and 10 members participating at the  
2 Peterson Space Force base visit the day after the  
3 Public Meeting, and all 13 members participating  
4 in the roundtable sessions at the Air Force  
5 Academy.

6 Because of the number of Committee  
7 members attending, the members will be split into  
8 groups of three or four, and three simultaneous  
9 roundtable sessions will be held at the -- well,  
10 clearly at the same time. And this is going to  
11 allow the Committee members to engage with more  
12 stakeholders than at any other group of -- well,  
13 any other site visits.

14 It is possible that at a couple of the  
15 site visits, we will have enough members  
16 participating to break into two groups and hold  
17 two simultaneous roundtables. Although we are  
18 still working through the logistics to confirm  
19 with the Committee members their attendance at  
20 each location, before we set the roundtable  
21 agendas we do hope to reach out to the Service  
22 points of contact at the installations over the

1 next two weeks to try and provide an agenda. Any  
2 questions on that?

3 Okay. Let me go on to the roundtable  
4 participants and the talks. All of the site  
5 visits should include roundtables with special  
6 trial counsel, trial counsel, military defense  
7 counsel, victim's counsel, and the military  
8 criminal investigative organizations, and junior  
9 enlisted service members. If time permits,  
10 additional roundtables will be held with the  
11 senior enlisted members, commanders, the SARCs  
12 and BAs and the paralegals.

13 For the topics, unlike the process for  
14 presenters at the DAC-IPAD meeting, specific  
15 questions are not going to be provided in advance  
16 to the roundtable participants. The focus is on  
17 learning about the participant's experiences with  
18 the Military response to sexual misconduct rather  
19 than more of a policy perspective.

20 The staff and Dr. Bill Wells, our  
21 Criminologist, are preparing some suggested  
22 questions for the Committee to ensure information

1 is obtained somewhat uniformly at each location  
2 on core topics. The Committee will have an  
3 opportunity to review these in advance of the  
4 first site visit. Additionally, summarized  
5 minutes of the information obtained during the  
6 site visits will be prepared in a manner  
7 respecting the non-attributional nature of the  
8 discussion.

9 We anticipate providing a short update  
10 on the site visits at the June public meeting,  
11 and a longer session reporting on the site visits  
12 at the September public meeting after the site  
13 visits have concluded.

14 Topics of discussion will be focused  
15 on learning about the processing of sexual  
16 misconduct offenses, such as unwanted sexual  
17 contact offenses and sexual harassment.  
18 Discussions may include topics involving the  
19 operations of the Office of Special Trial  
20 Counsel, trial counsel involvement in sexual  
21 misconduct cases, reporting and processing of  
22 these cases, trust in the military justice

1 system, accountability and disposition options,  
2 including administration separation board,  
3 investigation and evidence collection, MRE 513,  
4 the psychotherapist-patient privilege issue,  
5 trial practices, retaliation, victim rights and  
6 services, training and the operations of the  
7 defense counsel, victims counsel and MCIOs.

8 Commander DeStefano asked if I could  
9 talk about what I mean by the roundtables as time  
10 permits. And the explanation for that is at a  
11 site visit, we only have one day there and three  
12 participating members. We are not going to have  
13 time for more than five or six roundtable  
14 sessions. And the focus is going to be on the  
15 primary Military Justice practitioners and junior  
16 enlisted members.

17 If the site visits extend into a  
18 second day or there is sufficient members present  
19 to divide into two groups, we will be able to  
20 hear from the additional participants, if that  
21 answers your question.

22 Are there any other questions on the

1 site visits, or Mike, do you have anything to  
2 say? Mr. Cassara?

3 MR. CASSARA: Hi, Theresa. Real  
4 quick, I am signed up for Colorado. When is our  
5 you need to know drop dead date on any of the  
6 other ones?

7 While I would love to go to Hawaii, I  
8 don't see that happening, but San Diego looks  
9 like a possibility/probability for me so.

10 MS. GALLAGHER: Yes. The sooner you  
11 can let me know that you are confirmed, the  
12 better we are. Because I do want to reach out as  
13 soon as possible to the specific location and the  
14 number of members attending will dictate how many  
15 roundtable sessions we can ask them to set up for  
16 us.

17 Hawaii, of course, will have all of  
18 the services participating. And that is a  
19 location that we hope to maybe have more than one  
20 roundtable session going on at a time, but it is  
21 still uncertain whether that can occur.

22 But the main one that I need

1 confirmation for, because there is really no room  
2 for error on it, is the Korea-Okinawa site visit  
3 because we have the country access documentation.

4 MR. CASSARA: I am more looking toward  
5 San Diego. I will let you know as soon as I can.

6 MS. GALLAGHER: Okay. That's  
7 fabulous. And are there any other questions?

8 I don't see any hands. We can stop  
9 the shared screen. Okay. If there are no other  
10 questions, I just want to really thank each of  
11 the services for your incredible responsiveness  
12 and support for the site visits and also really  
13 thank the members for your responsiveness to all  
14 my logistical requests and my requests for  
15 confirmation of attendance and a note to please  
16 get those into me.

17 With that, I'm going to turn it back  
18 to Meghan. Thank you.

19 MS. PETERS: Thanks, Terri. All  
20 right. Members, I would just like to take a few  
21 minutes. I think in your email I called it a  
22 strategic overview. But it's really the puzzle



1 of what we're going to do and how and when we're  
2 going to do it.

3 And it's a good problem to have that  
4 we have so many projects and good work laid out  
5 ahead of us. And I just wanted to highlight a  
6 few of the issues around that. So I have just  
7 two quick slides that kind of summarize the high  
8 points here.

9 What we're looking at is that the DAC-  
10 IPAD since December of last year when we  
11 identified new projects to undertake, and we had  
12 some already in the works, we have about 12  
13 projects right now that we'd like to work on over  
14 the next two years.

15 Again, these were -- for the most part  
16 a lot of the projects were approved in December  
17 of 2023. We anticipate that these site visits  
18 are going to be a wealth of information about  
19 those projects and possibly be the foundation for  
20 new studies as well.

21 And I wanted to note that we right now  
22 don't have any statutory tasks from Congress

1 other than our annual reports.

2 But OGC has asked us to sort of on an  
3 ongoing basis look at appellate issues and, of  
4 course, evaluate the Offices of Special Trial  
5 Counsel.

6 Looking ahead at the calendar, we have  
7 all of these projects and roughly nine quarterly  
8 meetings to accomplish them in plus any meetings  
9 we tack on in between. And, of course, the  
10 subcommittees are meeting in between all of that.

11 There is a question of whether the  
12 DAC-IPAD will be extended. And if it is, we  
13 certainly know that we have more than enough to  
14 keep us busy in the years ahead. So I think  
15 that's a question that remains to be seen. But  
16 nonetheless, let's think about how we are going  
17 to be accomplishing our goals by the current  
18 expiration of the DAC-IPAD's term in February of  
19 2026.

20 With that, as a staff, I know we will  
21 be thinking heavily about that in our coming  
22 days. A few notes about what's upcoming this

1 year. And we've already talked about the site  
2 visits, but we know that we have site visits from  
3 March to June.

4 We have a public meeting in June back  
5 in the National Capitol Region. But I just want  
6 to remind everyone in September, we are going to  
7 be having a virtual meeting. That's the 17th and  
8 18th of September.

9 And we anticipate that after  
10 collecting all of that information on site visits  
11 for three months, September, being virtual for  
12 some logistical and budgetary reasons, might also  
13 lend itself to the opportunity to collect your  
14 thoughts on site visits, conduct some  
15 deliberations about what you heard and what you  
16 want to do with that information.

17 The September meeting may be -- we'll  
18 have two more witness panels and more time for  
19 deliberation amongst yourselves and time to meet  
20 in subcommittee.

21 The next thing I will note that we  
22 will be doing as a staff is socializing some

1 dates for your quarterly meetings in 2025. Let's  
2 get those on the calendar as soon as possible for  
3 everybody's schedules.

4 And, again, not to overwhelm, but to  
5 try to take a lot and put it in a simple view.  
6 What I think is reasonable is to look at this in  
7 terms of what we can do this year and what we can  
8 look to do next year. And these are just goals.  
9 There are no hard deadlines other than our annual  
10 report in March of each year. There are a lot of  
11 great issues here.

12 And I would say that we could aim to  
13 publish multiple reports in the coming year if  
14 we, after the annual report goes out, if we work  
15 on a few of the issues identified by the Policy  
16 Subcommittee and the Special Projects  
17 Subcommittee, I think we can see at least a  
18 letter on Article 34 amendments coming out  
19 potentially sooner rather than later.

20 It is possible we could get two  
21 reports out on the Article 6b and MRE 513 topics  
22 that you will be hearing about in the coming

1 months.

2 We know that the data collection  
3 machine and analysis machine is ongoing with our  
4 staff as it regards demographics of panel  
5 selection. And we anticipate that information  
6 will be available to you between March and June  
7 probably at the very latest ready for publication  
8 or your review and deliberation, I should say, in  
9 June.

10 So that is an Article 34 letter, panel  
11 selections, Article 6b, 513 topics that we could  
12 possibly roll-up and I would tack on to that  
13 Article 140 also. That is something that the  
14 staff has done a lot of research on. We can  
15 present that to you. And the subcommittee sort  
16 of has a plan for pulling all that together for  
17 you in an efficient and effective way.

18 So that is a lot to accomplish this  
19 year. I think it's all doable. And it still  
20 leaves plenty to do next year as well. So we  
21 have another annual report. So more fascinating  
22 topics. And with another year of the special

1 trial counsel programs in effect, there will  
2 probably be some evaluations and some commentary  
3 you will want to make in 2025 on that topic. And  
4 we have other ongoing issues and sort of larger  
5 projects that we would hope to wrap up in 2025 at  
6 least by the end of that calendar year.

7 So that's where I would pin our  
8 respective projects. And I put an asterisk next  
9 to site visits because that's not a subcommittee  
10 project. That's a project for all of us. And I  
11 think that will yield us, again, potentially more  
12 issues to study so we could fill in these lists a  
13 bit more.

14 But that's a picture of what we are  
15 looking at as a staff. And I know we will take  
16 this back to your subcommittees and come up with  
17 plans for these projects that suit your  
18 schedules. But that's what we see as a way to  
19 move forward.

20 And if there is any questions on that,  
21 go ahead. Again, I'm just trying to hit broad  
22 brush strokes, this is what we have on our plate.

1 MS. GOLDBERG: Hi. It's Suzanne  
2 Goldberg. Can I jump with a quick question?

3 MS. PETERS: You may.

4 MS. GOLDBERG: First of all, thank  
5 you. And second, it is only the staff that makes  
6 all of our ambitions possible. Thank you for  
7 that, too.

8 Is now the right time to flag issues  
9 that aren't already on that already long list or  
10 is that better done in some future meeting?

11 MS. PETERS: I would say the sooner  
12 the better so absolutely.

13 MS. GOLDBERG: And I apologize if I  
14 missed it. I know we have talked periodically  
15 about restorative practices or other forms of  
16 resolution of allegations, nonpunitive or  
17 otherwise forms of resolution of allegations.  
18 And I know that has been in the mix. And I think  
19 I remember even seeing it in the annual report as  
20 something on our list to look at going forward so  
21 wanted to raise the possibility of that getting  
22 back on this list.

1 MS. PETERS: Oh, absolutely. No, it's  
2 in the annual report, and it is another topic. I  
3 know reports have been issued, and I'm not sure  
4 what sort of whether this is going to take the  
5 form of its own independent report to study or a  
6 follow-up letter, but absolutely that's on the  
7 list. Thank you.

8 MS. GOLDBERG: Great. Thank you.

9 MS. PETERS: All right. I don't see  
10 any other questions or comments. Again, that's  
11 just our big-picture planning material. And I  
12 want to take a moment. We have a few minutes  
13 left.

14 One of the topics is the Special  
15 Projects Subcommittee put on that list was the  
16 proposed, you know, relook at Article 34 and your  
17 2020 recommendation to elevate the referral  
18 standard of the statute. So that topic is  
19 something that, again, the Special Projects  
20 Subcommittee has begun work on. And I would like  
21 to turn it over to Ms. Tokash right now just to  
22 talk about that work and what the near-term plans



1 are.

2 MS. TOKASH: Thanks, Meghan Peters.  
3 This is Meghan Tokash for the record. And I just  
4 wanted to take a moment to explain what the  
5 Special Projects Subcommittee proposal to the  
6 DAC-IPAD is with respect to Article 134. That is  
7 a letter to Congress about the DAC-IPAD's  
8 previous October 2020 recommendation to amend  
9 Article 34, Uniform Code of Military Justice with  
10 proposed statutory language. So that is a letter  
11 to Congress with a leg prop attached to it.

12 So if you recall last December, it's  
13 about three months ago at the public meeting we  
14 voted to approve this Special Projects  
15 Subcommittee initiative. And we, as a  
16 subcommittee, feel that the time is right to send  
17 this letter to Congress now for several reasons.

18 First is the DOD has changed its  
19 policy to require uniform prosecution standards  
20 and sufficient evidence before referring a case  
21 to a general Court Martial.

22 So that is the Secretary of Defense

1 took the DAC-IPAD's recommendation to amend  
2 Appendix 2.1 of the Manual for Courts Martial and  
3 change the referral standard to require evidence  
4 sufficient to obtain and sustain a conviction.  
5 So that was the first thing that happened.

6 Even before that happened, the  
7 Services OSTIC, what they call business rules,  
8 all contained that same standard. That happened  
9 as early as June of last year. And that was  
10 around the same time that we were issuing our  
11 standalone report regarding uniform prosecution  
12 standards.

13 Then in addition, the President  
14 amended Rules of Courts Martial 601 with the  
15 requirement to consider the sufficiency of the  
16 evidence before referral.

17 So given all of these things, we, that  
18 is the Special Projects Subcommittee, believe  
19 that the time is right to align the DAC-IPAD's,  
20 you know, maybe fortuitous recommendation back in  
21 2020 to amend Article 34 with those new standards  
22 that are actually happening in practice right

1 now.

2 So the Special Projects Subcommittee  
3 drafted a two page letter. We also have a leg  
4 prop to amend Article 34. And we will have the  
5 opportunity to deliberate and vote on this at the  
6 March Public Meeting in Colorado Springs.

7 So to prepare everyone for the vote,  
8 this is what we propose. First, this afternoon  
9 the staff is going to email you the draft of our  
10 two-page letter and the legislative proposal.

11 Next, you will have the opportunity to  
12 suggest edits to the staff before the read-aheads  
13 for the March public meeting are sent to you.  
14 And that deadline is February 27. You can email  
15 any edits to Eleanor Vuono.

16 Next at the administrative session,  
17 day one of the meeting in Colorado Springs, the  
18 staff will present the draft letter again with  
19 any suggested edits highlighted for you.

20 And then finally, at the public  
21 session of the DAC-IPAD, we will deliberate and  
22 vote on the letter to Congress and the proposed

1 language for Article 34.

2           So we hope that this approach will  
3 allow everyone to review the letter before the  
4 meeting, and we can identify any issues ahead of  
5 the administrative session for a vote. And my  
6 personal hope, and I think this is possible, is  
7 that we could even attach any approved letter and  
8 legislative proposal as an appendix to our annual  
9 report.

10           I feel strongly about that because as  
11 we know, the legislative cycle has already  
12 started this year. And I think it would be most  
13 helpful for Congress to get this recommendation  
14 sooner rather than later if we have any hope of  
15 potential impact on this year's NDAA. So with  
16 that, I pass it back to Meghan Peters and thank  
17 you all for your time.

18           MS. PETERS: All right. Thank you,  
19 Ms. Tokash. So nothing better than to get  
20 started on that list right away. We will be  
21 sending that out this afternoon. And that's  
22 going to be a standalone item. Your other

1 materials for March will be coming separately  
2 next week.

3 As to the annual report that you just  
4 voted on and approved, we will look to like make  
5 note of any progress. I think the staff plan is  
6 to publish and finalize the annual report and to  
7 make sure that any items you approve in March go  
8 out as a standalone item as planned. But we will  
9 work to dovetail these two products as best we  
10 can, as much as is feasible, with the annual  
11 report going out in March and us having the  
12 public meeting your deliberations in March as  
13 well. But we've noted your priority there.

14 So we'll work on that. I think it  
15 will be a bit of a challenge with the annual  
16 report, but a standalone item, we will absolutely  
17 push out whenever you all have it ready.

18 So those are my comments on the  
19 procedure for the 34. And I want to, I think,  
20 turn it back over to the director or to the chair  
21 for closing comments. I have no further items.  
22 But thank you all.

1 MR. YOB: Thank you, Meghan. I will  
2 go first, and then we'll go to the chair and then  
3 to Mr. Sullivan to close us out.

4 Real quick, two quick comments. Ms.  
5 Long, I know that you came onboard with us during  
6 the meeting. Would you like me to put you on the  
7 record as voting in favor of the annual report as  
8 edited or would you like to abstain or vote no?  
9 I would ask for your comment on that.

10 MS. LONG: You know, based on the fact  
11 that I wasn't here for this, I would just abstain  
12 for now unless my vote is needed. And I  
13 sincerely apologize for the late notification.  
14 We had a meeting added today that went over that  
15 I could not get out of.

16 MR. YOB: No worries, Ms. Long. And  
17 we will put you down as an abstention on this  
18 one. And we have plenty of votes to go forward.

19 MS. LONG: Thank you.

20 MR. YOB: But thank you very much.  
21 The second thing is real quick just I think there  
22 is about four of you who haven't for Colorado

1 confirmed your hotel reservation. So we'll just  
2 ask you to go back and -- you have until Friday.  
3 We've reserved a block of rooms. We'd like to  
4 all stay in the same hotel for transportation and  
5 et cetera.

6 So if you haven't got that for some  
7 reason, let us know, and we'll re-send you the  
8 information. But we would ask you if you are  
9 going to Colorado to confirm by Friday your hotel  
10 registration.

11 MS. O'CONNOR: Could you please let us  
12 know which of us have not done that?

13 MR. YOB: Yes. We will put out an  
14 email to those four people directly as soon as  
15 the meeting is over and ask you to follow up.

16 CHAIR SMITH: I just outed myself.  
17 This is Chair Smith. I haven't done it.

18 MS. LONG: I haven't done it either.  
19 It's Jennifer Long.

20 CHAIR SMITH: We're in good company.  
21 Mine apparently was in my junk mail, so there you  
22 have it.

1 MR. YOB: We're not pointing any  
2 fingers. But you have until Friday so there's  
3 still time.

4 BGEN (R) SCHWENK: Is it true -- hey,  
5 Pete, is it true that you're staying at the  
6 Broadmoor?

7 MR. YOB: Yes, I am.

8 BGEN (R) SCHWENK: Yeah, I thought so.

9 MR. YOB: It's palatial so I'm taking  
10 that one.

11 Okay. With that, I'm going to turn it  
12 over to Chair Smith who can then turn it over to  
13 Mr. Sullivan.

14 CHAIR SMITH: All right. Thank you,  
15 everyone. Good to see everyone today. Thank you  
16 to the staff for yet again doing a fabulous job  
17 on behalf of the DAC-IPAD. We really appreciate  
18 it. Clearly this report would not be done  
19 without you. So with that, I will turn it over  
20 to Mr. Sullivan.

21 MR. SULLIVAN: This public meeting of  
22 the DAC-IPAD is now closed.



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(Whereupon, the above-entitled matter  
went off the record at 1:24 p.m.)

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