



THE DEFENSE ADVISORY COMMITTEE ON
INVESTIGATION, PROSECUTION, AND DEFENSE OF
SEXUAL ASSAULT IN THE ARMED FORCES

MINUTES OF OCTOBER 23, 2020, PUBLIC MEETING

AUTHORIZATION

The Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (“the Committee” or “DACIPAD”) is a federal advisory committee established by the Secretary of Defense in February 2016 in accordance with section 546 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2015 and section 537 of the NDAA for FY 2016. The Committee is tasked to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces based on its review of such cases on an ongoing basis.

EVENT

The Committee held its nineteenth public meeting on October 23, 2020, from 11:00 a.m. to 12:43 p.m. At this open preparatory session, the Committee received a presentation from its professional staff on the Congressionally-mandated requirement for the Committee to review and assess the race and ethnicity of members of the armed forces investigated for, charged with and convicted of sexual offenses under the Uniform Code of Military Justice, as required by section 540I of the National Defense Authorization Act for Fiscal Year 2020.

LOCATION

The meeting was held via teleconference with dial-in access information provided to the public in the Federal Register and on the DAC-IPAD’s website.

MATERIALS

A verbatim transcript of the meeting and preparatory materials provided to the Committee members prior to and during the meeting are incorporated herein by reference and listed individually below. The meeting transcript and materials received by the Committee are available on the website at <https://dacipad.whs.mil>.

PARTICIPANTS

Participating Committee Members

Ms. Martha S. Bashford, Chair
Major General Marcia M. Anderson, U.S.
Army (Ret)
Honorable Leo I. Brisbois
The Honorable Paul W. Grimm
Mr. A. J. Kramer

Ms. Jennifer G. Long
Brigadier General James R. Schwenk, U.S.
Marine Corps, Retired
Dr. Cassia C. Spohn
Ms. Meghan A. Tokash
The Honorable Reggie B. Walton

Absent Members

Ms. Kathleen B. Cannon
Ms. Margaret A. Garvin
Mr. James P. Markey
Dr. Jenifer Markowitz
Chief Master Sergeant of the Air Force Rodney J. McKinley, Retired

Committee Staff

Colonel Laura Calese, U.S. Army,
Staff Director
Ms. Julie Carson, Deputy Staff Director
Mr. Dale Trexler, Chief of Staff
Dr. Alice Falk, Technical Editor

Ms. Nalini Gupta, Attorney-Advisor
Mr. Chuck Mason, Attorney-Advisor
Ms. Marguerite McKinney, Analyst
Ms. Eleanor Vuono, Attorney-Advisor

Other Participant

Mr. Dwight Sullivan, Designated Federal Officer (DFO)

MEETING MINUTES

Mr. Dwight Sullivan, Designated Federal Officer, opened the public meeting at 11:00 a.m. Ms. Martha Bashford, Chair of the DAC-IPAD, provided opening remarks welcoming those in attendance, explaining the purpose of the meeting and outlining the agenda. By voice roll call, she established quorum and introduced the staff to lead the presentation.

DAC-IPAD Staff Presentation on Background of Race and Ethnicity Report

Ms. Eleanor Vuono, DAC-IPAD Attorney-Advisor, provided an outline of the meeting agenda and introduced Ms. Nalini Gupta, DAC-IPAD Attorney-Advisor. Ms. Gupta provided the Committee with a briefing of historical background and future of race and ethnicity in the military justice system. She explained that in 1972 a task force was established and produced a report that found a clear disparity in disciplinary rates between Black and white Servicemen. The report noted that the analysis was hampered by the inadequacy of data and one of its recommendations was that DoD establish a uniform system for the collection of this type of data. She explained that this has been a consistent recommendation of multiple studies including the most recent 2017 Protect Our Defender's Report, the 2019 GAO and the 2020 DAC-IPAD report.

Ms. Gupta noted the future of race and ethnicity data collection in the military justice system will be impacted by the recent Article 140a, Uniform Code of Military Justice, which promulgates uniform standards for the collection of military justice data and the FY20 NDAA that tasked the DAC-IPAD with this race and ethnicity study.

DAC-IPAD Staff Presentation on Data Results for Race and Ethnicity Report

Ms. Vuono summarized for the Committee the methodology for requesting the FY19 data from the Services. She stated that the Services were asked to provide the DAC-IPAD with the race and ethnicity information from their MCIO and military justice databases.

Mr. Chuck Mason, DAC-IPAD Attorney-Advisor, explained how race and ethnicity are defined and the different categories. He stated that the limitation to the study is that the information is self-reported by the Services. He added that because of the short timeline to complete the study, the data is not document based.

Meeting Wrap-Up and Public Comment

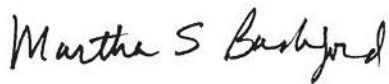
Colonel Laura Calese, DAC-IPAD Staff Director, provided closing remarks and thanked the members and staff for their commitment to the work of the DAC-IPAD. She reported that the next scheduled public meeting for the DAC-IPAD is November 6, 2020.

With no further comments or issues to address, the meeting concluded.

The DFO closed the public meeting at 3:07 p.m.

CERTIFICATION

I hereby certify, to the best of my knowledge, the foregoing minutes are accurate and complete.



Martha Bashford

Chair

Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces

MATERIALS

Meeting Records

1. Transcript of August 21, 2020, Committee Public Meeting, prepared by Neal R. Gross and Co., Inc.

Read Ahead Materials Provided Prior to and at the Public Meeting

1. PowerPoint Slide Presentation Prepared by DAC-IPAD Staff Providing an Overview of DAC-IPAD *Report on Investigative Case File Reviews for Military Adult Penetrative Sexual Offense Cases Closed in Fiscal Year 2017*
2. Draft Potential *Report on Investigative Case File Reviews for Military Adult Penetrative Sexual Offense Cases Closed in Fiscal Year 2017* Findings and Directives for DAC-IPAD Committee Deliberations
3. Draft *Report on Investigative Case File Reviews for Military Adult Penetrative Sexual Offense Cases Closed in Fiscal Year 2017* Executive Summary
4. Draft *Report on Investigative Case File Reviews for Military Adult Penetrative Sexual Offense Cases Closed in Fiscal Year 2017*
5. Index of Tables for *Report on Investigative Case File Reviews for Military Adult Penetrative Sexual Offense Cases Closed in Fiscal Year 2017*
6. FY20 NDAA Provision Sec. 540I. Assessment of Racial, Ethnic, and Gender Disparities in the Military Justice System
7. DAC-IPAD August 7, 2020, Request for Information 18A, Assessment of Racial, Ethnic, and Gender Disparities in the Military Justice System