

UNITED STATES DEPARTMENT OF DEFENSE

+ + + + +

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

+ + + + +

PUBLIC MEETING

+ + + + +

FRIDAY
APRIL 20, 2018

+ + + + +

The Committee convened in Suite 1432, One
Liberty Center, 875 N. Randolph Street,
Arlington, Virginia, at 9:00 a.m., Martha S.
Bashford, Chair, presiding.

PRESENT

MARTHA S. BASHFORD, Chair
THE HON. LEO I. BRISBOIS
MS. KATHLEEN B. CANNON
MS. MARGARET A. GARVIN
THE HON. PAUL W. GRIMM
DEAN KEITH HARRISON
MR. A.J. KRAMER
MS. JENNIFER GENTILE LONG
MR. JAMES P. MARKEY
CMSAF RODNEY J. MCKINLEY, USAF, Ret.
BRIG. GEN. JAMES SCHWENK, USMC, Ret.

DR. CASSIA C. SPOHN

MS. MEGHAN A. TOKASH

THE HON. REGGIE WALTON

ALSO PRESENT

COLONEL STEVEN B. WEIR, U.S. Army, JAG Corps,
Deputy Staff Director

MS. JULIE CARSON, Legislative Liaison/Attorney
Advisor

DR. JANICE CHAYT, Investigator

MS. THERESA GALLAGHER, Attorney Advisor

MR. GLEN HINES, Attorney Advisor

MAJOR ISRAEL KING, USAF, Alternate Designated
Federal Official

MR. CHUCK MASON, Attorney Advisor

MEGHAN PETERS, Attorney Advisor

MS. STAYCE ROZELL, Senior Paralegal

MS. TERRI SAUNDERS, Attorney Advisor

MR. DWIGHT SULLIVAN, DFO

MS. KATE TAGERT, Attorney Advisor

CONTENTS

Welcome and Introduction 4

Best Practices for Case Management and Data
Collection in Civilian Criminal Courts 8

Current Capabilities of the Military
Services' Case Management and Data
Collection Program 145

Updates for the Committee from the Data,
Case Review, and Policy Working Groups 154

Adjourn. 328

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

2 9:03 a.m.

3 MR. SULLIVAN: Good morning, I am
4 Dwight Sullivan, the designated Federal Officer
5 of the Defense Advisory Committee on
6 Investigation, Prosecution and Defense of Sexual
7 Assault in the Armed Forces -- because that is
8 such a mouthful, better known as the DAC-IPAD.
9 Public comments will be heard at the end of the
10 meeting at the discretion of the Chair. It would
11 be inappropriate for anyone in the Public hour to
12 make a comment at any other time. However,
13 written public comments may always be submitted
14 to the committee for consideration. This meeting
15 is open. Ms. Bashford, you have the conn.

16 CHAIR BASHFORD: Thank you, Mr.
17 Sullivan. Good morning. I would like to welcome
18 members -- everyone in attendance today to the
19 seventh meeting of the Defense Advisory Committee
20 on Investigation, Prosecution and Defense of
21 Sexual Assault in the Armed Forces. Or, as Mr.
22 Sullivan said, that's a mouthful, so the DAC-

1 IPAD. The Secretary of Defense appointed 16
2 members to this committee. All of the members
3 are present with the exception of Major General
4 Marsha Anderson and Dr. Jennifer Markowitz, and
5 we anticipate the arrival of Jennifer Long to the
6 meeting.

7 The DAC-IPAD was created by the
8 Secretary of Defense in accordance with the
9 National Defense Authorization Act for Fiscal
10 Year 2015 as amended. Our mandate is to advise
11 the Secretary of Defense on the investigation,
12 prosecution and defense of allegations of sexual
13 assault and other sexual misconduct involving
14 members of the armed forces. Please note that
15 today's meeting is being transcribed. A complete
16 written transcript will be posted on the DAC-IPAD
17 website. At today's meeting the committee will
18 begin its review of Article 140a, Uniform Code of
19 Military Justice, which was passed as part of
20 Fiscal Year 2017 National Defense Authorization
21 Act. Article 140a requires the Secretary of
22 Defense to set uniform standards and criteria for

1 managing courts-martial, collecting data from
2 criminal cases across all of the military
3 services no later than January 1, 2019.

4 The committee will make
5 recommendations to the Secretary of Defense for
6 the statutory deadline based on its review of
7 best practices in the civilian and military
8 justice systems. This task ties together several
9 issues of importance to this committee. First,
10 the committee has reviewed the findings and
11 recommendations of the Judicial Proceedings
12 Panel, the JPP, concerning the need for
13 improvement in sexual assault case data
14 collection. Second, the DAC-IPAD has collected
15 and continues to review court martial case
16 documents from 2012 to the present for military
17 services. Finally, with the passage of the
18 Military Justice Act of 2016, Congress has
19 enacted a substantial overhaul of the procedural
20 and substantive provisions of the UCMJ and many
21 of those changes will affect the investigation,
22 prosecution and defense of sexual assault in the

1 armed forces. 140a provides a vehicle for
2 understanding the impact of those changes, and
3 for obtaining valuable information about sexual
4 assault cases prosecuted by the military.

5 The broad expertise in civilian and
6 military criminal justice of our members makes
7 this committee extraordinarily well positioned to
8 advise the Secretary of Defense regarding the
9 sexual assault case information that should be
10 available under 140a, and how best to obtain this
11 information. For this meeting we will hear
12 testimony from experts from the U.S. Sentencing
13 Commission, the Administrative Office of the U.S.
14 Courts, and the Department of Justice's Bureau of
15 Justice Statistics to discuss current and best
16 practices in the civilian system as well as
17 testimony from representatives from each military
18 services' legal organizations to discuss the
19 services' legal data collection capabilities and
20 requirements.

21 Each public meeting of the DAC-IPAD
22 includes a period of time for public comment.

1 The committee received no such requests before
2 this meeting. If a member of the audience would
3 like to comment on an issue, please direct your
4 request to the DAC-IPAD staff director, Colonel
5 Steven Weir. All public comments will be heard
6 at the end of the meeting at the discretion of
7 the Chair and written public comments may always
8 be submitted for committee consideration.

9 Welcome Colonel Steven Weir at his
10 first meeting as director, and Ms. Julie Carson
11 at her first meeting as deputy-director of the
12 DAC-IPAD. Thank you all very much for joining us
13 today. Our first presenter is Mr. Glen Schmitt,
14 director, Office of Research and Data, U.S.
15 Sentencing Commission. Mr. Schmitt, we look
16 forward to hearing from you and from each of the
17 presenters.

18 MR. SCHMITT: Madam Chairman, if you
19 don't mind, by agreement with Ms. McCaleb, we
20 thought that it might make more sense if she were
21 to precede me because it reflects the order in
22 which things happen in the judicial branch. And

1 so, if you don't mind, I will defer to her.

2 CHAIR BASHFORD: Great, thank you.

3 MS. McCALEB: Good morning everyone.

4 My name is Margaret Sheehan McCaleb. I am the
5 project director for the next generation of the
6 Case Management Electronic Case Law System at the
7 Administrative Office of the U.S. Courts. CM/ECF
8 is the online system that all federal, appellate,
9 district and bankruptcy courts use to manage
10 their cases and which attorneys use to file their
11 motions, briefs and all case-related documents
12 over the internet. The development of CM/ECF
13 began in 1995 when a district court contacted the
14 AO for help in managing very large cases
15 involving attorneys from around the country. The
16 court asked if the AO could develop a method for
17 the attorneys to file case documents
18 electronically. A prototype was developed and
19 successfully used by the court. The benefits to
20 both filing attorneys and the court were
21 apparent. Attorneys could file documents 24/7
22 and from their own offices, and the documents

1 could be used simultaneously by opposing counsel,
2 judges and all court staff. Subsequently, the AO
3 worked with four district and five bankruptcy
4 pilot courts to refine the electronic filing
5 component and to develop a case management
6 component to allow court staff to electronically
7 manage the case information. These nine pilot
8 courts began live operations between November
9 1996 and March 1998.

10 In 2001 the national rollout of CM/ECF
11 was launched to the district and bankruptcy
12 courts and the development of the appellate court
13 version of CM/ECF began. By 2012 all 204
14 federal, appellate, district and bankruptcy
15 courts were using CM/ECF. Because there were
16 variations in the business processes among each
17 of the three court types, there were three
18 separate but related versions of CM/ECF -- one
19 each for appellate, district and bankruptcy. For
20 example, there is no need to file claims
21 information in an appellate or district court,
22 but that information is necessary for bankruptcy

1 cases. Similarly, appellate courts track three
2 judge panels and the work of those panels, but
3 that functionality is not needed for bankruptcy
4 courts. Because there are also variations among
5 the courts within a given type, the nationally
6 supported versions of CM/ECF include tables that
7 allow individual courts to customize the
8 application to meet their local rules and
9 procedures. For example, in district courts,
10 there are seven possible ways to display the case
11 number. IN addition to the year and number, some
12 district courts use an office code, the judge's
13 initials and the case type -- criminal or civil -
14 - in various combinations. A table in the
15 database allows that configuration to be set for
16 each court.

17 There are hundreds of examples of
18 other means of configuring the system that allow
19 courts to make their own determinations for
20 options such as information displayed on
21 particular screens and reports, the order of the
22 information and which modules in the system will

1 be used and by whom. CM/ECF allows judges,
2 chamber staff and clerks' office staff to manage
3 cases electronically, keeping track of deadlines,
4 hearings, trials, motions filed and more. It
5 also provides automatic notification of filings.
6 For example, when an attorney files a motion, a
7 notice is emailed to all attorneys in the case
8 and the document is automatically added to the
9 docket sheet. Court staff also receive the email
10 notification. When an attorney receives the
11 email that a document has been filed, he or she
12 can click on a link to view and download the
13 document.

14 Courts have developed quality control
15 processes that are used for documents that
16 attorneys file to ensure, for example, that the
17 document is filed with the right case, or that
18 the title of the document matches the docket
19 event that the attorney selected when uploading
20 the document into the system. Each court
21 establishes its own procedures to determine how
22 quality control is conducted.

1 When a criminal case is opened, court
2 staff enter the data and file the indictment into
3 the system using the information from the
4 document emailed or delivered to the clerk's
5 office, from the U.S. Attorney's office or from
6 the arresting official. Basic case information
7 is stored, such as party name, attorney name and
8 address including the email address, the
9 divisional office in the district, the date
10 filed, the citation for the alleged offense from
11 the Federal Rules of Criminal Procedure, the
12 number of counts and the offense level.

13 Demographic information is not captured because
14 it is not relevant to the processing of a case.

15 As the case progresses, other
16 information is entered into the database such as
17 hearing and trial dates, and deadlines for
18 responses or replies -- including data that is
19 for court use only, such as the length of a
20 trial. Throughout the life of a case, when an
21 attorney files a document, federal court rules
22 provide that it is the responsibility of that

1 attorney to redact any personal information, such
2 as social security numbers, before that document
3 is filed. A warning to this effect has been
4 placed on the attorney log-in page.

5 In the current version of CM/ECF, all
6 attorneys have a separate log-in and password for
7 each court in which he or she practices. In the
8 next generation of CM/ECF, which is currently in
9 use in 23 courts, each attorney needs only one
10 log-in and password, which can be used in all
11 federal courts in which the attorney has
12 permission to file. The single log-in feature
13 will be used by all courts within the next three
14 years.

15 Over 53 million cases are now managed
16 in CM/ECF across all court types, and nearly 1
17 million attorneys have filed in the system. Any
18 public user who registers can access all non-
19 restricted information in any case in any court.
20 My colleague, Wendell Skidgel, will talk about
21 that public facing part of CM/ECF, which is
22 PACER, and about the policy issues that the

1 courts address when moving to the CM/ECF system.

2 JUDGE GRIMM: For some of my
3 colleagues here who are not familiar with the
4 CM/ECF system, you might want to provide some
5 explanation as to how sealed matters can be
6 filed, given the nature of some of the offenses
7 that are -- the committee is charged with study.
8 There is great concern about information that
9 might involve victims, the nature of offense, and
10 evidence. And of course, the designation of
11 matters under seal -- filing under seal before a
12 judicial officer approves the filing -- it would
13 be helpful, I think, for the committee if you
14 could take a moment and explain that.

15 MS. McCALEB: Sure. There are -- in
16 the different applications there are different
17 levels of -- like, different applications, I mean
18 in the district version, the appellate version,
19 the bankruptcy version -- there are different
20 levels, depending on the business processes in
21 those courts. In the district courts, I think
22 there's seven or nine different levels of

1 restrictions that can be set. So, a document can
2 be sealed. A docket -- a can be sealed, so the
3 entry that appears on the docket report. The
4 case can be sealed. And then within those
5 categories there are different levels of who has
6 access. So, you can set it so that only the
7 judge has -- can see it, so that the judge and
8 chamber staff can see it -- maybe just the law
9 clerks and not the judicial assistants. You can
10 set it so that a judge and the clerk of court can
11 see it. So there's all different levels of
12 restrictions that can be configured, and each
13 court decides the levels that are needed in their
14 court and for each particular document.

15 JUDGE GRIMM: Thank you, ma'am.

16 JUDGE WALTON: Can you explain how the
17 system accommodates individuals who represent
18 themselves?

19 MS. McCALEB: Pro se filers?

20 JUDGE WALTON: Yes.

21 MS. McCALEB: In terms of security and
22 permissions?

1 JUDGE WALTON: Yes.

2 MS. McCALEB: If an -- if a pro se
3 filer wanted to file a document under seal, they
4 would need -- I think they would need to file a
5 motion saying that they want to file under seal.
6 The judge would decide whether or not the -- that
7 motion should be sealed. And then, if so, they
8 will be given permission to do that. I think
9 some pro se filer need -- sometimes you need help
10 from the clerk's office to determine exactly how
11 they need to do it -- but they get that help.

12 JUDGE GRIMM: And there -- there's
13 variation that exists within the system. Some
14 courts, like ours, do not permit pro se filings
15 unless specifically authorized by the court.
16 Others, as Judge Walton referenced, do. And of
17 course, in the context in which we would be
18 talking about here in the military system you
19 would not have people accessing it -- filing
20 materials who were not counsel for the
21 government, the victim or the defense.

22 DEAN HARRISON: I have a question.

1 MS. McCALEB: Oh, yes.

2 DEAN HARRISON: The development of the
3 software -- was that done by government staff?
4 Was it contracted out?

5 MS. McCALEB: It was done by
6 government staff. Along the way, when we started
7 in 1995, along the way we have added contractors
8 to the project. But they work for us if we -- we
9 have a contracting company, but they work on our
10 office and we direct them -- the work that they
11 do. So we have really what we call blended
12 staffs. We have programmers, analysts, testers,
13 trainers. Some of them -- most of them are
14 government staff, but probably about half of them
15 are also contractors.

16 DEAN HARRISON: And have there been
17 any major issues along the way in terms of advice
18 that you would give to anyone who was going to
19 implement this system to watch out for?

20 MS. McCALEB: Yes, there's a lot of
21 advice I could give. There are a lot of lessons
22 learned. When we started this in 1995, we did

1 look at -- and the judiciary as a whole,
2 actually, looked at commercial, off-the-shelf
3 software, and our office had developed this case
4 filing component of it. And we were using these
5 prototype courts. But we thought we should take
6 time to see if there's anything out there on the
7 marketplace that could be used instead of using
8 the government staff. And so we had several
9 companies come in and give demonstrations --
10 along with the demonstration of the software that
11 we had developed. And we had close to 100 judges
12 and court staff meet in Williamsburg, actually,
13 and we did demos of the system and -- or, the
14 contracting companies did, and the vendors. And
15 at that time there weren't -- there wasn't
16 anything on the market that could meet the needs
17 of the Federal Courts. It's -- CM/ECF is -- we
18 support it nationally from the AO, but we built
19 in a large amount of configurations so that local
20 court practices and rules could be accommodated.
21 So it's a very flexible and configurable system.
22 It also makes it more complicated to support and

1 maintain, but it gives the courts what they need.

2 So, we're developing the next
3 generation of CM/ECF. And we are looking -- a
4 lot of years have passed since we first developed
5 it. So we are now looking to see if there is
6 anything -- any commercial products that we could
7 use, if not for the whole system, to maybe
8 replace some components of it.

9 JUDGE GRIMM: Before the CM/ECF system
10 was rolled out for the entire federal judiciary -
11 - all 93 districts -- there were a number of
12 pilot courts that had tested it out.

13 MS. McCALEB: Yes.

14 JUDGE GRIMM: And as a consequence of
15 the success of the pilots and the experience that
16 they gathered, it made it possible to adjust the
17 system in a way that when there was a national
18 roll-out, it was much feared, but now no one
19 could imagine living without it. Would you
20 recommend that an organization such as the
21 Department of Defense, that has multiple
22 constituent services with folks all over the

1 world -- would you recommend that before you go
2 in for a penny, in for a pound, that you try any
3 system that is developed out in some pilots first
4 to see whether there are glitches that were
5 unanticipated and worked out before you go live
6 throughout the entire system?

7 MS. McCALEB: Yes, I absolutely would.
8 That was invaluable when we developed CM/ECF.
9 It's actually invaluable -- that's what we're
10 doing with the next generation as well. Even,
11 you know, the -- we could develop these systems
12 within our agency and we bring in -- which I
13 highly recommend -- bring in end users to help
14 develop the requirements to tell us what you
15 need. We have used those end users, judges, law
16 clerks, clerks' office staff, to test our
17 software with us, tell us what's wrong before we
18 roll it out. But even after that, when it goes
19 into a court and goes live, those pilot courts
20 still found things that they didn't expect
21 because when you're testing things, you don't
22 test every last possible combination because you

1 don't -- you know, it's just too much. So we
2 highly recommend a pilot phase before it goes to
3 all-in users.

4 JUDGE GRIMM: And one final question
5 from me, would you just give your observations
6 regarding the utility of the system in allowing
7 users to access it from wherever they can have
8 internet connection through a secure method so
9 that they are able to -- if they have a laptop
10 and they are at a place that has a wifi
11 connection, that they can access the CM/ECF and
12 see the cases, the dockets, and manage it --

13 MS. McCALEB: Yes, they can. Now they
14 even access it from a phone. We have a mobile
15 query. And as -- you know, as time has gone on,
16 we -- we've moved from, you know, huge computers
17 that take up a whole room to iPhones. And so we
18 have adapted technology along the way. And we're
19 doing more of that with next -- with the next
20 generation of CM/ECF. But attorneys can file --
21 and they do -- 24/7. You know, the opposing
22 counsel, you know, as soon as it goes into the

1 system, the opposing counsel gets that email.
2 They can look at the document and download it.
3 It goes on the docket report right away. The
4 judge can get it right away. The clerk's office
5 staff -- the judge's staff. So it's that -- it's
6 that simultaneous access to the documents and the
7 information that's so valuable. It used to be
8 that file folders would be in the clerk's office,
9 which was open from 9:00 to 5:00, and attorneys
10 had to come down to the court house or send a
11 messenger. And if they were in a different
12 state, they had to hire somebody to go and
13 deliver it. It has changed attorneys' practices
14 completely, I think.

15 JUDGE GRIMM: Thank you, ma'am.

16 MR. MARKEY: I just had a follow-up,
17 it's that -- you answered one of my questions,
18 actually. Where -- where does this system sit?
19 And it sounds like it's web-enabled? Not on a
20 local server?

21 MS. McCALEB: It is web-enabled. Each
22 -- each court -- all 204 courts have their own

1 separate databases. But those databases are
2 housed in two data centers. And all -- all you
3 need is a -- you know, a phone or a laptop or a
4 PC to access them.

5 MR. MARKEY: So then, the next
6 question, so where is the data stored?

7 MS. McCALEB: Physically?

8 MR. MARKEY: Yes, all this electronic

9 --

10 MS. McCALEB: It's in databases in
11 these two data centers that we have.

12 MR. MARKEY: Okay, it's not in the
13 cloud.

14 MS. McCALEB: Oh, it is not in the
15 cloud. At least not yet.

16 MR. MARKEY: Okay. And then, the
17 follow-up was it sounds like one of the keys to
18 the success of the system would be standardized
19 forms, et cetera, and language that everybody
20 across the country is using. Is that -- would
21 that be accurate?

22 MS. McCALEB: There is some amount of

1 standardization. There's a large amount of
2 standardization, but there's also room for
3 flexibility so that -- you know, in my example
4 with the -- even just the case numbers. So, if
5 that seems like that could be standardized, year
6 and number, but it's not. And some courts wanted
7 to have the judge's initials, or -- or whether
8 it's a criminal or civil case. So a CR or CV,
9 depending on that. So there absolutely is
10 standardization, but there's also room for local
11 court procedures.

12 JUDGE GRIMM: The -- the -- towards
13 your point, when you go to file, there are drop-
14 down boxes, there are instructions, there are
15 manuals. The individual courts train the lawyers
16 so they could come in and use it before they have
17 access to it. Online, when you access it, you
18 have an electronic docket. When you go down the
19 docket, the events that are on the docket have
20 hyperlinks so that when you click on it you can
21 see the document and all the attachments. When
22 there is a document filed that requires a ruling

1 by a court, there's an icon -- a little gavel --
2 that indicates that that has yet to be ruled on.
3 So, if you have a case where there are multiple
4 motions and you are trying to manage open
5 motions, you can look at that in a -- in a link.
6 There's the ability to file electronic orders
7 that are paperless orders, as well as hard copy
8 orders that are sent out instantaneously to the
9 parties. For the people who use it, it's a
10 remarkably robust and user-friendly system. And
11 -- and my suggestion -- strong suggestion would
12 be is, as the military migrates towards
13 considering such a thing, that the people who
14 might be responsible for developing it coordinate
15 with the Administrative Office -- or any other
16 organization that has similar filing systems --
17 to see how it actually works. It's really quite
18 a user-friendly system.

19 MR. MARKEY: Great point. So, common
20 terms, language and definitions are probably
21 important --

22 MS. McCALEB: They are.

1 MR. MARKEY: In establishing this sort
2 of a network system.

3 MS. McCALEB: Yes. And the more
4 standardization that you can accommodate, the
5 better. But, from our experience, there's a --
6 there's kind of a limit to where courts like
7 their own language for some things. For example,
8 in -- when an attorney files, say, a motion to
9 extend time, in some courts it's called that. In
10 some courts it's called motion for extension of
11 time. There are different variations. And this
12 system allows the courts to decide which of those
13 variations can used.

14 MR. MARKEY: Did that make it
15 difficult to extract that data out of there?
16 Because it is put in differently?

17 MS. McCALEB: No, because there is a
18 code attached to each and so as long as the code
19 is the same, the display can be different. And
20 that's one way to make it flexible, but standard
21 at the same time.

22 MR. KRAMER: The best news is the

1 universal username and password for every court.

2 Thank you very much.

3 MS. McCALEB: Oh, very popular with
4 attorneys.

5 (Laughter.)

6 MR. KRAMER: But there -- the one
7 question I have, so just, let's say, the District
8 Court Database, how many cases are open a year?
9 Civil and criminal? Roughly?

10 MS. McCALEB: I don't know. I would
11 have to look it up. Do you know by any chance?
12 Oh, I -- I can look it up easily and let you
13 know.

14 MR. KRAMER: Is it the hundreds of
15 thousands?

16 PARTICIPANT: Yes.

17 MS. McCALEB: Yes.

18 MR. KRAMER: So we're not talking
19 about small numbers, that's what I was --

20 (Simultaneous speaking.)

21 MS. McCALEB: Oh, no. We are not
22 talking about small numbers.

1 JUDGE GRIMM: The other aspect of it,
2 which is something that -- that perhaps is going
3 to be commented about by some of our other
4 speakers today, but this is -- the CM/ECF system
5 is a -- is a system designed to be used by the
6 courts and the users of the courts. However, in
7 the Administrative Office, there is another
8 branch -- the Judicial Training Center and the
9 Federal Judicial Center -- which has the legal
10 education and support for the judges. And they
11 are able, because of the standardizations, to
12 mine this type of information. So, if there is
13 an issue before the courts about whether or not a
14 rule should be changed or adopted in order to
15 account for how a certain specific type of motion
16 is resolved in a specific type of case, they can
17 go back in and mine that data and get the
18 information and produce reports that make it
19 possible to have non-anecdotal development of
20 policy. Data-driven developmental policy.

21 And for -- I spent six years on the
22 Civil Rules Advisory Committee. We went through

1 a tremendous amount of investigation before we
2 promulgated rules that took five years to go into
3 effect and began effect in 2015. And we could
4 not have done our job and made decisions that
5 were based upon demonstrable needs, absent the
6 ability of the researchers to go in there and
7 mine that data, generate it for each case,
8 without that secondary use in mind. But capable
9 of being captured in big-data analysis and coming
10 up with very, very helpful ways to be able to
11 solve policy questions.

12 CHAIR BASHFORD: Just following up on
13 Judge Grimm's statement. You're collecting a lot
14 of data around the country and a lot of it from
15 the beginning of the case until its conclusion.
16 Absent somebody wanting to do a research project,
17 I mean, are you collecting data and somebody is
18 routinely looking at it to see disparate
19 outcomes? Disparate length cases pending? It's
20 all sitting someplace, but what's happening to
21 it?

22 MS. McCALEB: We -- the Administrative

1 Office does receive some amount of data from the
2 courts. So, every month they send data about the
3 number of cases open, the number of cases closed
4 -- and some other -- Wendell may be able to
5 answer better than I can. Some other -- but
6 they're -- the Administrative Office doesn't use
7 that data for research purposes. Federal
8 Judicial Center may.

9 JUDGE GRIMM: FJC would do it. Now,
10 to your point, Madam Chair, if you're talking
11 about sentencing outcomes, I believe we're going
12 to hear from the Sentencing Commission. And as -
13 - I am enormous fan, as you might have noticed,
14 for what CM/ECF has done. What the Sentencing
15 Commission has done in terms of developing
16 sentencing policy guidelines in an enormously
17 complex area is nothing short of astounding. The
18 -- it may drive us mad trying to apply it, but it
19 is an unbelievably brilliantly conceived process.
20 And they capture all of the sentencing data.
21 They can tell you the number of judges that
22 varied above or below a sentencing guideline, the

1 judge is required to put reasons for that, even
2 if they're not publically done. They can go in
3 there and they publish reports to that if you are
4 concerned about a particular type of offense for
5 a particular demographic of defendant, what the
6 outcome was, what the sentence was, whether it
7 was within or above/below what the recommended
8 guideline would be and the reasons for that
9 developed into explanations that have the most
10 frequent explanations as to why a judge would
11 exercise their discretion one way or the other,
12 all that can be captured by the Sentencing
13 Commission. It is -- and the annual reports and
14 the periodic reports that they file are
15 astonishing.

16 We just got one last week -- Judge
17 Walton will remember that -- on mandatory minimum
18 sentences in drug cases because that is a matter
19 of some concern throughout the nation. And the
20 Sentencing Commission was able to generate a
21 report that is the same size as our first annual
22 report that drills down deep into all the

1 explanations for that. And from that, it enables
2 the policy side of the commission to be able to
3 make intelligent decisions and recommendations to
4 Congress on things that affect sentencing.

5 CHAIR BASHFORD: But apart from
6 sentencing, is -- is your unit, then, looking at
7 -- cases seem to take twice as long in this
8 district as they do in other districts? Or,
9 outcomes are very different for different types
10 of cases in one district versus another?

11 MS. McCALEB: My particular unit
12 doesn't, because we just develop the software.
13 But -- but do you know if anybody --

14 JUDGE GRIMM: The six-month list comes
15 out twice a year and that has the information --
16 that's published. We are required by law to
17 report every six months to Congress the status of
18 cases. And it talks about cases that are over
19 three years old, motions that have been pending
20 and for resolution over six months in a number of
21 different categories. And that is collected from
22 each district court twice a year and published by

1 the AO and reviewed. And part of that
2 information, if you have courts that are swamped
3 because they have judicial vacancies or workloads
4 that are imbalanced -- and that information can
5 be gathered that way.

6 JUDGE WALTON: That's only capturing
7 civil information, not criminal.

8 JUDGE GRIMM: Correct, that's right.

9 CHAIR BASHFORD: But shouldn't your --
10 apart from the judges' reports that they then
11 have to -- wouldn't your system, if somebody
12 queried it, be able to tell you length of case
13 duration?

14 MS. McCALEB: Yes, you -- we certainly
15 can tell -- can say for each case -

16 CHAIR BASHFORD: But somebody would
17 have to query it?

18 MS. McCALEB: Yes. Yes, a query could
19 be done to see how -- you know, open this day,
20 closed that day. Like -- that data is collected.

21 MR. SKIDGEL: That data is actually
22 available publically. On the FJC site, it's a

1 database of information. In answer to your
2 question the number of cases ---

3 CHAIR BASHFORD: You may have to keep
4 your voice up a little bit.

5 MR. SKIDGEL: Sorry. In answer to
6 your number of cases, it was approximately
7 300,000 civil cases and 75,000 or so criminal
8 defendants.

9 MS. GARVIN: If I may, how do you --
10 how does this system -- or, how regularly does
11 the system get modified, either at the district
12 court level, or court of appeals -- for each of
13 the levels, when new requirements for reporting
14 are asked for? So, right? The 18 USC 3771 put
15 in new reporting requirements out of the office
16 with regard to when the victim's rights are past,
17 how many cases involved, maybe, are seen? How
18 often is that looked at? Is it just when
19 Congress passes something new? Or are you
20 regularly looking at your ability to issue those
21 reports? Because I know there's been some
22 challenges capturing some of the victim

1 information.

2 MS. McCALEB: We -- we do a release,
3 at least one major release every year of the
4 software. And often a few minor releases to
5 each. And -- and when we do a release, we get
6 the requirements and the -- you know, the need
7 for what's going into that release from Congress,
8 from just changes in the local -- or, federal
9 rules. Or, just from usage of the system and,
10 wouldn't it be great if it did this? And that
11 kind of thing.

12 So we have -- we have a staff that
13 works, you know, year round on various releases.
14 The other thing that we're doing -- we started
15 several years ago -- it will just increase -- is
16 we do more security updates than we used to.
17 It's become a very important part of the releases
18 now. Making sure that our software is up to date
19 -- all the tools that we use, that there's no --
20 you know, if something -- some of the minor
21 releases that we do during the year is to let the
22 whole, or, you know, we find out that when we

1 upgraded something we need to fix something in
2 the software that -- to go along with it.

3 If I could, just one -- we had
4 mentioned attorneys, and -- having this universal
5 login and password that will work, now, in all
6 courts in which they file, which is great. But
7 each court still has the ability to accept or
8 reject an attorney's ability to file. So, while
9 they have this universal access, the courts did
10 not give up their ability to say no, you didn't -
11 - you know, your training isn't done yet, so you
12 can't file in this court. So it's -- there are
13 safeguards on the court's side to make sure that
14 the attorneys who do file have permission in the
15 court to file.

16 CHAIR BASHFORD: Who is speaking next?
17 Would that be you, Mr. Skidgel?

18 MR. SKIDGEL: It would.

19 CHAIR BASHFORD: Keep your voice up.
20 You sound like a bit of a low talker.

21 MR. SKIDGEL: Sorry about that. Good
22 morning. As Margaret mentioned, my name is

1 Wendell Skidgel. I am a senior attorney for the
2 Judicial Electronic Public Access Program at the
3 Administrative Office of the U.S. Courts. The
4 mission of the Judicial's Electronic Public
5 Access Program is to facilitate and improve
6 public access to court records and court
7 information in accordance with federal law,
8 rules, judiciary policy and user needs. Although
9 I am here today to discuss access to court
10 records through the judiciary's Public Access to
11 Court Electronic Records System, PACER, I would
12 be remiss not to mention that the program is
13 broader than just PACER -- encompassing the
14 judiciary's public website and implementing
15 judicial conference's privacy policies.

16 PACER was established in 1988 as a
17 dial-up service. During the past decade, through
18 the widespread adoption of the judiciary's case
19 management -- Electronic Case File System,
20 CM/ECF, PACER has evolved into an internet-based
21 service. In other words, PACER is a portal into
22 CM/ECF and CM/ECF is integral to public access.

1 PACER provides access to reports, docket sheets
2 for 53 million cases and access to more than 1.1
3 billion documents that have been filed with the
4 courts through CM/ECF.

5 In terms of fees, as Congress -- as
6 directed by Congress, the program is funded
7 entirely through user fees set by the Judicial
8 Conference of the United States. The fees are
9 published in the Electronic Public Access Fees
10 Schedule that's available on USCourts.gov, and
11 all users -- attorneys, data brokers, government
12 agencies -- are all charged the same rate of ten
13 cents per page. There is a cap of \$3.00 -- 30
14 pages -- that applies to any single document or
15 case-specific report. Transcripts of court
16 proceedings are excluded from this cap. Users
17 with bills of \$15 or less during a quarter are
18 not charged, and approximately 75 percent of
19 active users each quarter pay no fee.

20 In Fiscal Year 2017 the program
21 generated about \$146 million in fee revenue.
22 Approximately 90 percent of that came from less

1 than 3 percent of PACER users. The revenue was
2 used to support PACER and to cover the costs
3 associated with the CM/ECF systems that are used
4 by the federal courts throughout the country.
5 The revenue was also used to finance other
6 expenses related to electronic public access to
7 the courts, including the network security and
8 court websites.

9 Judiciary employees and those that are
10 paid out of judiciary funds -- such as CJRA
11 attorneys -- are exempt from fees. Additionally,
12 individual courts may, by a showing of cause,
13 grant exemptions for certain classes of users --
14 researchers, nonprofit 501(c)(3) entities, and
15 others -- can be granted exemptions for access to
16 the court's data without charge.

17 JUDGE GRIMM: You might want to
18 explain what CJRA means.

19 MR. SKIDGEL: I am sorry. The
20 Criminal Justice Act.

21 JUDGE GRIMM: Reform Act.

22 MR. SKIDGEL: Reform Act, yes.

1 Authentication -- other than users who view case
2 information using public terminals at the
3 courthouse, PACER users must register to use the
4 system. All PACER access requires user
5 authentication through a login and password.
6 Usage information is collected and stored as set
7 forth in the PACER Privacy and Security Notice,
8 and the PACER login banner. This information is
9 used for billing purposes. The fact that it's
10 stored provides a deterrent to those who would
11 use PACER to obtain information for nefarious
12 purposes. I can tell you that the Administrative
13 Office does respond promptly to grand jury
14 subpoenas for information on PACER usage, and
15 that information has been provided -- and that
16 information that has been provided has been used
17 quite effectively in court.

18 There have only been 2.3 million PACER
19 user accounts. Approximately one-quarter of
20 these are active each year. In addition to court
21 staff, the users of the system include members of
22 the bar, city, state and federal employees and

1 the public. In 2017, the PACER service center
2 staff established more than 250,000 new accounts.
3 They fielded 183,000 calls and responded to more
4 than 50,000 emails.

5 The judiciary proactively works to
6 strike a balance between providing public access
7 to court files and protecting sensitive
8 information as evidenced by the evolution of
9 national policies, rules and procedures over the
10 years. This has not been done in a vacuum. We
11 seek expert advice and input from various
12 interested parties, including those with widely
13 divergent agendas and viewpoints. Information
14 about the judiciary's privacy policy for
15 electronic case files is located at
16 www.privacy.uscourts.gov. Example of documents
17 that are not available via remote electronic
18 access, nor are they available to the court at
19 the -- nor are they available to the public at
20 the courthouse include unexecuted summonses or
21 warrants of any kind, pre-trial bail or
22 presentence investigation reports, statements of

1 reasons and the judgment of conviction, juvenile
2 records, documents containing identifying
3 information about jurors or potential jurors,
4 financial affidavits filed in seeking
5 representation pursuant to the Criminal Justice
6 Reform Act, ex parte requests for authorization
7 or investigation, or experts or other services,
8 and sealed documents -- motions for downward
9 departure, for substantial assistance, plea
10 agreements, et cetera.

11 The CM/ECF login screen contains a
12 notice of redaction responsibility and provides
13 links the Federal Rules of Privacy. To
14 successfully access CM/ECF and file a case
15 document with the court, users must check a box
16 acknowledging their requirement to comply with
17 redaction rules. Granted, redaction software --
18 ensuring the redaction of information identified
19 in the privacy policy is a challenge. Algorithms
20 can be developed to identify social security
21 numbers in most, but certainly not all cases.
22 Unfortunately, it is far more difficult and in

1 some instances, not presently possible, to
2 develop algorithms to identify other types of
3 highly sensitive information, such as the name of
4 a minor. While technology is a wonderful tool,
5 it certainly is not an adequate substitute for a
6 filer's vigilance with respect to protecting
7 sensitive information from disclosure. Thank
8 you.

9 CHAIR BASHFORD: This may be a
10 question that people who are more familiar with
11 this system know the answer to, but if I wanted
12 to file a motion to allow similar crime evidence
13 in in a particular prosecution, and I want -- I
14 don't want that to be private, particularly, but
15 I am sure my opponent defense attorney would love
16 that to be private. I am the one who's filing
17 it. How -- how do those things get to be under
18 seal or not?

19 MR. SKIDGEL: I was going to defer to
20 one of the judges. I mean, the -

21 MR. KRAMER: Once a -- once a document
22 -- once you -- you can file a document and it's

1 out there in public. If another party -- and, so
2 in a sense, it's too late to try to seal it. If
3 another party wants to move to seal that
4 document, it can then be worded to be moved to a
5 sealed status. But for people who looked at it
6 originally, there would be no -- they could have
7 looked at it originally, but it would then be
8 taken off of the public access docket if another
9 party moved to seal it or remove it from the
10 public docket.

11 JUDGE GRIMM: And if someone files a
12 document that they want sealed, and they file it
13 along with a motion to seal, that has to be
14 authorized by a court because the filings are
15 public filings and the public has a right to have
16 access to what goes on in the federal courts.
17 But there are matters that -- and there are
18 criteria that the judges have to find have been
19 met before you can seal a document. And what
20 would happen is, is if you file a document
21 requesting that it be filed under seal, it is --
22 the system allows that to be sealed until such

1 time that the court rules on it.

2 CHAIR BASHFORD: So it's not like a
3 lag where it's up there until the judge rules.

4 JUDGE GRIMM: Correct. Now the -- if
5 one side files something that the other side
6 believes should be under seal, the -- the benefit
7 of the system is that it is electronically filed.
8 There's instant filing hit. And you have to
9 serve the other side. So they get the hit and
10 they see it. And it's absolutely true that there
11 may be a period of time when the party looks at
12 it and says, this should be sealed, can file a
13 motion to seal it, but if they're paying
14 attention to the docket, then they will generally
15 be able to file something immediately saying we
16 want it under seal. And then the court can
17 authorize it and it will be under seal because,
18 if they have requested that be the case. And
19 there's also a fair amount of dialogue, maybe
20 less in some places than others, between defense
21 counsel and prosecutor to avoid the ambush
22 possibility of filing something -- to put

1 something out there for the purpose of
2 embarrassment or, even worse, to possibly
3 influence the public in a potential jury pool.
4 So, in practice, we don't hear much of that. I
5 don't know if my other colleagues in the court
6 system have a different view on that. But the
7 system does allow for making sure that things can
8 be sealed. And then the courts, when they --
9 when we see it, we are required to review it as
10 well. And if you've seen that someone has put a
11 minor's name or full social security number or a
12 bank account -- we get that all the time in
13 identity theft and various types of fraud cases
14 where it involves someone's account number, and
15 they put the entire account number instead of the
16 last four digits -- then it can be monitored.
17 And the clerk's office can monitor it when it
18 comes in because each docketing clerk is supposed
19 to reveal the materials that are posted on there,
20 too. It's not fail-safe, but there's -- it's
21 pretty good.

22 MS. GARVIN: If I may, one of the --

1 one of the lags in response to the conversation
2 is if victims have counsel, but they have not yet
3 entered their appearance in the case -

4 JUDGE GRIMM: Right.

5 MS. GARVIN: They are not going to be
6 triggered when a filing happens. So they won't
7 know about it, and the lag could be longer if
8 they have a dispute over what they believe is
9 personally-identifiable, or confidential
10 information. Which is why best practice for
11 victim's counsel is to enter the case immediately
12 so that they get triggered at every filing, too.
13 But that of course, increases the work load, when
14 in fact they usually only have a handful of
15 issues that they have standing -- actually do.
16 But that lag from victim's counsel would be more
17 significant if they aren't entered into the
18 process immediately.

19 MR. KRAMER: And there's two kinds of
20 sealing. There's a sealing where there's a
21 notation on the public docket that a sealed
22 document has been filed, but the public can't

1 have any access to it. And then there's a
2 sealing where there's not even any indication on
3 the public docket. You would not know from
4 looking at the docket that a -- unless you did a
5 very careful review of the numbering system, you
6 would not know that a sealed document had been
7 even filed.

8 JUDGE GRIMM: It's called super seal.

9 JUDGE WALTON: That's frequently done
10 when you have a cooperator and you don't want
11 that information to become known.

12 MR. KRAMER: Absolutely.

13 DEAN HARRISON: If I am a member of the
14 public -- a journalist or a victims' right
15 advocate -- not an individual victim, but just
16 generally victims' right advocate with an
17 interest in the case -- is there a way for me to
18 set up an alert any time a matter is filed in a
19 particular case? Or do I just have to come back
20 daily or hourly and check to see what's going on?

21 MS. McCALEB: No, there is a way that
22 you can -- that journalists and some researchers,

1 they can request to be -- to receive an email
2 when something is filed in a case. And then they
3 will automatically get that email.

4 CHAIR BASHFORD: Following up, let's
5 say I am a researcher and I want to know what's
6 happening with federal sexual harassment cases --
7 how many are being filed, what are their outcomes
8 -- do I have to know about each individual case,
9 or is there a way to query your system to get
10 aggregate information?

11 MS. McCALEB: There is not a way to
12 query it, because each database is individual --
13 is in each individual court. So there's
14 something called a party case locator that the
15 PACER service center, that Wendell talked about,
16 is housed in -- in our office in San Antonio.
17 But that just -- you can put in somebody's name
18 or a case number, and it will direct you to all
19 of the cases with those names, but you can't
20 search on a type of case.

21 CHAIR BASHFORD: But that information
22 is collected, right? You do know --

1 MS. McCALEB: Yes, but it's not
2 aggregated.

3 MR. SKIDGEL: It's two pieces. I can
4 walk you through how a researcher would get that
5 information.

6 CHAIR BASHFORD: Sure.

7 MR. SKIDGEL: And then I just want to
8 step back to the previous question after that.
9 Courts are allowed to exempt users for access to
10 their system. So what will often happen is a
11 researcher has a particular research project --
12 they're associated with a university -- they will
13 write to the courts. And we now have a
14 clearinghouse where they can write to the AO, and
15 the AO will coordinate with the courts their
16 request. It needs to be limited to the scope.
17 They have to agree that they're not going to
18 republish the data itself or to sell the data.
19 And what we will sometimes do -- often do, is
20 work with them to see if there's a nature of suit
21 code for particular types of cases. Or, if we're
22 dealing with criminal cases, there's a particular

1 code that shows up in the system. Oftentimes, we
2 will direct them to look at the statistical data,
3 which is now available from the FJC. So we can
4 go through looking for particular case
5 information based on the type of nature of suit
6 code, and then -- if we're dealing with civil
7 cases -- and then go back to the court and say,
8 we're not looking at all your records, your
9 honor, we're after (coughing) this particular
10 subset of records. And we want to pursue the
11 period of time. And the court can grant
12 exemption for that research access and then the
13 researcher can go in. Their access in that
14 particular court is exempt during that time
15 period for whatever criteria the court has set up
16 to allow them to have that access.

17 And that's how they would collect the
18 data is they would -- if I were them, and I
19 walked them through this, collect the statistical
20 case numbers that I want from the statistical
21 database, and then I will have a young -- or, a
22 college intern write some shell scripting, or

1 pro-scripting that will go through and pull the
2 case information that I want -- pull the
3 particular documents or docket sheets and then
4 use that for my research. Does that --

5 CHAIR BASHFORD: You would have to do
6 that court by court?

7 MR. SKIDGEL: You would do that court
8 by court. But if I set up a naming process in
9 one court, it's pretty much the same in the other
10 courts as well.

11 CHAIR BASHFORD: You said you wanted to

12 -

13 MR. SKIDGEL: I did. I wanted to go
14 back to the question on the things that are put
15 on the docket that are unsealed and then should
16 have been sealed. That happens not just with the
17 filers, but occasionally it will happen with the
18 court where something was redacted improperly.
19 If you remember the GD case, we have to peel back
20 the black mark and see what was underneath.
21 Because the system is authenticated, we have a
22 record of who would have accessed the system and

1 accessed those particular documents remotely
2 during the time that it was publically available,
3 and we are able to provide that information to
4 the court. And the court will often contact
5 those individuals, asking them not to
6 redistribute it. Or the Office of Public Affairs
7 -- in some instances it's called -- by and large
8 it's been very -- been very receptive to that
9 when they realize that, you know, the people who
10 are filing aren't perfect and they're -- they
11 often don't redistribute it, or they will say
12 well, we will make sure we don't send that any
13 further. So we do have that -- having that
14 authentication allows you to go back and find out
15 who looked at it and usually stem the
16 distribution of a record that should not be out
17 in the public until the court unseals it.

18 JUDGE GRIMM: Now, the interesting
19 thing about PACER is is that the exemptions for
20 academic research are individually requested and
21 granted frequently for research. But there are
22 organizations that pay the fee -- aggregate

1 information -- and then will republish for a fee
2 to lawyers, and they will say, for this
3 particular judge, for this particular type of
4 case, we can tell you the number of instances in
5 which they have granted summary judgment, the
6 number of instances in which they have, you know,
7 ruled this way on a particular motion -- and
8 there's not any way that you can stop that. Once
9 that data gets out there with a -- an era of big
10 data analytics, that's information that if it's
11 publically available, is going to be able to mine
12 -- be mined. And there are people out there who
13 will apparently pay for the information that can
14 be brought in there with regard to the
15 individuals who are making the decisions in the
16 cases that they file.

17 MS. TOKASH: Can you talk about
18 incarcerated defendants and access to PACER? Are
19 they paying out of their commissary while they're
20 confined, if you know? Or, how does that work?

21 MR. SKIDGEL: If they don't -- if they
22 haven't been granted a -- an exemption order from

1 the judge, then they would have to be paying out
2 of the commissary, or some other method where
3 they have a user account that they've access to
4 the system from.

5 CHAIR BASHFORD: Mr. Schmitt?

6 MR. SCHMITT: Good morning, Madam
7 Chair, members of the committee. It's my
8 pleasure to speak to you today about the work of
9 the United States Sentencing Commission, and in
10 particular, its Office of Research and Data,
11 which I lead. The commission was established by
12 the Sentencing Reform Act of 1984 which, among
13 other things, abolished parole in the federal
14 criminal justice system and replaced it with a
15 system of determinant sentencing. That act also
16 created the commission, a bipartisan agency led
17 by commissioners appointed by the president and
18 confirmed by the Senate to provide advice to
19 federal judges when determining the sentences to
20 be imposed on persons convicted of federal
21 crimes.

22 The commission does this principally

1 through the promulgation of the Sentencing
2 Guidelines, which are amended each year to
3 account for the changing nature of crime and the
4 persons who commit them. To support this work,
5 the commission authorized the commission -- the
6 Congress authorized the commission to establish a
7 research program to collect data about the
8 sentences imposed in federal courts, and to
9 disseminate that information to the public.
10 Central to the commission's work is its data
11 collection effort. In Fiscal Year 2017 the
12 commission received documentation on almost
13 67,000 original sentencings. But the commission
14 also received information on over 5,000 re-
15 sentencing and other modifications of sentence,
16 and 7,800 appeals. In total, commission staff
17 reviewed more than 325,000 court documents in
18 that year.

19 The commission has a staff of
20 approximately 45 persons who enter this data into
21 the commission database, ensure that it is
22 accurate and complete, and then use it for a

1 myriad of analyses. Since 1987 the commission
2 has amassed a database of 1.6 million offender
3 records. To facilitate the commission's work,
4 Congress has required by statute that the courts
5 provide five documents to the commission within
6 30 days after the entry of judgment in a criminal
7 case. Those documents are the indictment or
8 other charging document, the presentence report,
9 the judgment and commitment order, the plea
10 agreement if there is one, and the written
11 statement of reasons form. The commission is
12 required to submit to Congress at least annually
13 an analysis of these documents and to report to
14 Congress if any districts have failed to submit
15 the required information.

16 As you might expect, compliance with
17 this statutory directive is quite high. The
18 commission estimates that it receives documents
19 for 99.8 percent of all the cases where documents
20 are required to be submitted to the commission.
21 Because of this, we consider our data to be a
22 population and not a sample of the data on

1 federal sentencings. The data from the five core
2 documents submitted to the commission are
3 extracted and coded by commission staff and input
4 into a computer database. For each case in our
5 offender data set, for example, the commission
6 routinely collects information on case
7 identifiers, demographic information about the
8 offender, the statutes of conviction and the
9 maximum and any minimum penalties that applied at
10 sentencing, any guideline provisions that the
11 court applied in the case, the type and length of
12 sentence imposed, and the reasons given by the
13 court for sentences that are outside the
14 guideline range.

15 In particular -- in addition, when
16 particular research questions arise, the
17 commission staff re-analyzes these documents to
18 collect additional information. The commission
19 maintains additional data sets to study a variety
20 of other sentencing issues, such as
21 organizational offenders and appeals and re-
22 sentencing, as I mentioned earlier. The

1 commission's computerized data sets, excluding
2 offender and judge names, are made available to
3 the public. The commission also disseminates
4 this data through a wide variety of publications,
5 and through commissioner or staff presentations
6 at professional conferences and other events.

7 The commission's research staff
8 performs analysis for a number of stakeholders,
9 for most of which are the members of the
10 commission. Each year, the commissioners
11 identify several subject areas as priority areas
12 for study. Commission staff meet with the
13 commissioners monthly to provide data and legal
14 analysis relating to those subjects. Also,
15 members of Congress may ask the commission staff
16 to provide analysis of commission data, or to
17 estimate the impact of pending legislation in
18 order to inform their work. United States judges
19 may also request that the commission research
20 staff provide analyses of cases similar to those
21 pending before the judge as a way to inform the
22 judge's decision about the sentence to impose.

1 And finally, the commission performs data
2 analysis for executive branch agencies, but only
3 when they are acting in a policy-making -- as
4 opposed to an advocacy -- role.

5 While these analyses for the
6 stakeholders are confidential, the commission
7 does provide separate analysis of commission data
8 to the public through its many publications, all
9 of which are available on the commission's
10 website. The commission's data is regarded as
11 one of the most complete and accurate data sets
12 in the social science arena, and there are
13 several reasons for this. First, our data is a -
14 - is a universe and not a -- not a sample.
15 Because the courts are required to provide us
16 with the source materials we use, our data sets
17 reflect the total information available regarding
18 the areas for which we collect data.

19 Second, our data set is extremely
20 accurate. Only commission staff input data into
21 our data set, which the courts provide the source
22 materials, court staff do not place any

1 information into the data sets themselves.
2 Although technology would allow us to pull
3 information from the data collected by the
4 courts, or to allow other court staff to push
5 data into our system, we do not allow that. By
6 limiting the number of people who are involved in
7 our data collection and cleaning process, we can
8 ensure that the data is collected in a consistent
9 manner by our highly trained staff. The result
10 is data that is very accurate.

11 Third, our data is extremely thorough.
12 We are fortunate that Congress has authorized and
13 appropriated the funding for such a large
14 research staff of social science professionals.
15 Obviously, the more people who are available to
16 work on a project, the more data can be collected
17 about the issues under study. Finally, our
18 research staff are experts. Our social science
19 staff all have advanced degrees in criminology or
20 related fields with a thorough understanding of
21 research and analytical methods. As a result,
22 our data is collected with a view towards the

1 research questions that will be asked of us by
2 the members of the commission, by the courts and
3 by Congress. These key factors -- mandated data
4 submission to a single agency, collection and
5 analysis by a staff dedicated solely to this
6 task, a staff which is large enough for the
7 amount of data to be collected and who have the
8 education and training in the social sciences --
9 are what makes our data exceptional.

10 Despite the quality and completeness
11 of commission data, however, there are still
12 limits to what it tells us about federal criminal
13 cases. And these limitations may be instructive
14 to you as you consider the data that you would
15 recommend be collected from courts-martial. As
16 the name of our agency suggests, the Sentencing
17 Commission generally collects data only about the
18 sentencing process. The commission does not
19 collect data on investigations by law enforcement
20 agencies or decisions by prosecutors as to when
21 to seek an indictment against a defendant. The
22 commission also does not collect data on cases

1 that were filed but later dismissed, or on cases
2 in which the defendant was acquitted. We also do
3 not collect data about charges that are filed but
4 later dropped as part of a plea agreement, even
5 when the offender is convicted of one of the
6 charges in that case. And the commission does
7 not collect data on program participation by
8 offenders while in prison, or on supervised
9 release.

10 To be sure, other government agencies
11 do collect some of this data. For example, the
12 Executive Office for U.S. Attorneys collects
13 information about the prosecutorial decision
14 making process. The Federal Bureau of Prisons
15 collects information about program participation,
16 and the Probation and Pre-Trial Services Office
17 of the Administrative Office of the Courts keeps
18 records about program participation while
19 offenders are on supervised release. However, in
20 general, this data is collected for operational
21 purposes, not research purposes, and often is not
22 as complete as researchers might like. And those

1 agencies also have concerns about the public
2 release of this data even to us, and therefore
3 much of the data is not available to the public.

4 From a research perspective, because
5 all of this data is not collected by researchers
6 and not available to a single research staff, it
7 has never been fully integrated into any
8 comprehensive analysis of the federal criminal
9 justice system. A further limitation on
10 commission data is that it does not include
11 information about facts that have no statutory or
12 guideline relevance. And by that, for example, I
13 mean the commission does not collect information
14 about the victims of crimes other than the number
15 of victims in fraud cases and alien smuggling
16 cases, and some victim impact information in
17 fraud cases. This is because, generally
18 speaking, the identity of the victim -- such as
19 the gender, age or relationship to the defendant
20 -- has no legal bearing under the statutes that
21 make the conduct illegal or the sentencing
22 guidelines that apply to them. Additionally,

1 while the commission does record the criminal
2 history score that a court's assigned to an
3 offender under the guidelines, the commission did
4 not collect information about the specific types
5 of crimes committed until 2016. This is because
6 the type of prior crime did not affect the
7 criminal history score, only the sentence imposed
8 for it. And finally, the commission does not
9 collect information about offender
10 characteristics such as previous employment
11 history, mental health and drug abuse history,
12 support provided to dependents and military
13 service. Again, because the substantive federal
14 statutes and the related sentencing guidelines do
15 not take those factors into account. Of course,
16 judges may legally consider all of these factors
17 when imposing a sentence. Interestingly,
18 Congress has directed the commission not to
19 consider some of these factors when creating the
20 sentencing guidelines. From a research point of
21 view, however, it would be interesting to know
22 which factors matter most to judges and to what

1 degree. And certainly DoD leadership and
2 Congress would have an interest in this
3 information with respect to courts-martial. The
4 commission's decision to not collect this
5 information should not be viewed as evidence of
6 what constitutes best practices in research,
7 rather, this decision should be viewed as one
8 based on Congress's direction that many of these
9 factors not be considered by the commission. And
10 also on the fact that the sentencing guidelines
11 do not relate to many of them -- do not take
12 those into account in determining the sentencing
13 range. However, as this committee considers what
14 information the Defense Department might wish to
15 collect about the crimes prosecuted at courts-
16 martial, you may wish to expand the data
17 collection beyond what the commission currently
18 collects.

19 The commission is happy to provide
20 technical assistance to this committee or the
21 Department of Defense or the individual services
22 as you and they work through a data collection

1 program for military crimes. The commission
2 appreciates the invitation to provide information
3 to you, and I'd be happy to answer any questions
4 you may have about the work of the commission.

5 DR. SPOHN: So, thank you for your
6 presentation, Mr. Schmitt. As we've been
7 reviewing cases from the services, one of the
8 things that we've discovered is that there's
9 little if any uniformity among the services in
10 terms of the forms that they use to capture data
11 and -- even in terms of the terms that they use
12 for closing cases. I mean, it could be unfounded
13 in one service. It could be prosecution declined
14 in another. What advice would you have for us
15 moving forward in terms of how to ensure -- or,
16 how to improve the process so that there is
17 consistency and uniformity? Because my
18 understanding is that the -- the district courts
19 all use the same format -- the same forms in
20 presenting the information to you.

21 MR. SCHMITT: Well, that's correct.
22 And I will say that the similarity of the five

1 core documents that we receive is very helpful to
2 our work. So the judgment and commitment order
3 and the statement of reasons form are mandated by
4 the Administrative Office, or the commission
5 respectively, and the courts follow those. The
6 presentence investigation report does vary a
7 little bit from district to district, but the
8 items are more or less all in there -- usually in
9 the same place. But that's the text document.
10 Plea agreements, of course, are written in many
11 different styles. And then, the indictment can
12 vary dramatically as well. So in the federal
13 system we do have a -- a mix of documents that
14 are always in the same form and the information
15 always in the same place, and then some that are
16 not. But, in general, it's standardized. So I
17 think the committee has -- really has to make a -
18 - a decision. There's a big fork in the road
19 coming up, and you have to take it. And that is,
20 either to request or suggest that -- that the
21 documents and courts-martial be standardized.
22 Here's the standard judgment form, here's the

1 standard report of trial. And so that everything
2 is in the same place. And you have that
3 opportunity because, to some extent, it seems to
4 me that you have a clean sheet of paper in front
5 of you and you can say, here's what we recommend
6 the services do.

7 Or, you can allow each of the services
8 to have their own approach. If you do that, it
9 does seem to me, then, that the data collection
10 process becomes four or five times more complex
11 because you'll have now four or five of those.
12 Of course, you could have four or five data
13 collection centers. The Marines have one, the
14 Army has one, the Coast Guard has one. Or, you
15 have a big staff with five different level groups
16 of people. There's the Marine group, the Army
17 group and the Air Force group. The reason why we
18 are able to process so much in such a
19 standardized way is because we know -- and our
20 staff knows -- where it is every time. When a
21 case pops up, it's almost always in the same
22 place in the documents and they're able to get

1 into a rhythm and look for that information. If
2 each case were different, we wouldn't be able to
3 do anywhere near as much work as we do with the
4 staff we have.

5 JUDGE GRIMM: Mr. Schmitt, I'd like to
6 ask a question. You made some comments about
7 information that is not routinely collected. For
8 example, employment status of an offender,
9 support of dependents, things of that nature. It
10 is true that that may not currently be collected.
11 But if you have the presentence report,
12 employment history would be in there. If there
13 is some comment about -- since one of the
14 guidelines, factors that we look at is support of
15 dependancy, there's some specific guidelines
16 sections that tie into that for purposes of a
17 departure or -- or a variance. That could be
18 collected to a certain extent, similar to
19 victims. So if, for example, you have a -- a sex
20 offense involving minors, if the minors are below
21 a certain age, there will be -- the offense level
22 will have an enhancement for the age of the

1 victim. If the person who is the defendant was
2 in a position of trust, such as the parent or a
3 guardian or a teacher, that will be a possible
4 enhancement that you can search for as well. So,
5 it is -- it is -- if the -- the information that
6 you have would allow -- putting aside the
7 difficulty of finding it and how you would go
8 about doing that. Whether it would have to be
9 done through some sort of algorithm that would be
10 trained to go in and look for that, or
11 individually looking at the information in the
12 presentence report where they calculate the
13 offense level. But, presumably, that is
14 something that you could design a research method
15 to account for. Some of that information, which
16 is currently not captured, could potentially be
17 derived -- although, perhaps not with 100-percent
18 accuracy -- from some of the five documents you
19 already get. Is that not true?

20 MR. SCHMITT: That's exactly correct.

21 And -- and each year there are research questions
22 put to us that we cannot answer from the data

1 that we routinely collect. So the items that I
2 mentioned earlier today are ones that we collect
3 for every case -- always have, always will -- in
4 perpetuity. But when we are presented with a
5 research question, we will often go back into the
6 documents -- and we call that a special data
7 collection project -- and try to capture that
8 information. It's time consuming, as you might
9 imagine, and can be very small, depending on the
10 size of the question. But it is there.

11 But the point that I was trying to
12 make by illustrating what we collect and pointing
13 out the limitations in our data is to say to you
14 all that what is collected has to be a function
15 of what it is you want to know. The
16 commissioners in the past have only wanted to
17 know the things that I mentioned -- as I stated,
18 because the statutes make those meaningful -- or,
19 the guidelines make those meaningful, which is
20 not to say that if you ask one of them, do you
21 think it's interesting to know if the person
22 supported dependents? Of course they would say

1 yes. What you all have to decide, I think, is
2 what is it that's crucial to the decision making
3 process now? Either, by the services, by the
4 department, or in response to questions from
5 Congress. And then mandate that those things be
6 collected from the beginning. It's so much
7 easier to start with this big list -- you can
8 always take things off. It is much harder to put
9 things back -- put things on as you go forward,
10 especially -- and especially if you know that the
11 identity of the victim is going to matter, or the
12 age of the victim is going to matter, or the
13 military status of the victim is going to matter.
14 And surely that the case. Then, you should
15 mandate that that be collected from the
16 beginning. But keep in mind that the longer your
17 list, the more time it takes to finish that case.
18 And then that's where the trade-off happens,
19 then, with staff and the cost to actually collect
20 that data.

21 JUDGE GRIMM: A follow-up question on
22 your when you are going into the data that you

1 collect to be able to drill down and get
2 information that perhaps is not something that
3 you have previously been tasked with finding but
4 you are now being asked to do it or seek to do it
5 on your own, one of the things that we find,
6 those of us who deal in handling the civil cases
7 in the federal system is in the discovery area,
8 the notion of whether or not a human being has to
9 look at the data and pull the information out,
10 which is neither the most accurate nor the most
11 time efficient of doing it or whether, through
12 use of computer-assisted review where you do a
13 sampling, you test your data, you -- there is
14 artificial intelligence, whereby the analytics
15 learn from what the human person says is relevant
16 and then goes in there and captures the data in a
17 much faster way with pretty good recall and
18 precision rates.

19 When you all are searching your data,
20 are your hands -- or are human eyes on or are you
21 using your computer-assisted analytics to be able
22 to get the data or a combination of both, Just

1 for purposes of our Committee trying to get our
2 arms around what kind of resources should be made
3 available to the individuals tasked with managing
4 this data for purposes of Congress and the
5 military itself?

6 MR. SCHMITT: Yes. Prior to 2015, all
7 of our data was collected by a commissioned
8 employee who would look at the documents from the
9 court and then manually put that information in a
10 computer; it might be drop-down menu; it might be
11 coded in, and that has a certain limitation. I
12 have so many people. They'd only work so many
13 hours a day. There's so much you can do. We do
14 that because the commission has traditionally
15 been extremely concerned with accuracy, and we
16 have found --

17 JUDGE GRIMM: Yes.

18 MR. SCHMITT: -- that a human being,
19 really, highly-trained, skilled human being is
20 more accurate than any computer extraction
21 program, at least up until that point.

22 In 2015, we made a decision to try to

1 use the computer for some new ways, and the
2 example of criminal history is probably the best
3 one. So as I mentioned, under the sentencing
4 guidelines, a commission -- an offender is given
5 a criminal history score; it's six, and when you
6 look at it, you don't know if that six is two
7 murders or if that six is three frauds or that
8 six is a whole bunch of small things. It's a
9 six. Under the guidelines, it doesn't matter. A
10 six is a six and that puts you where it puts you,
11 but you all would say it really does matter to me
12 whether it's two murders or three frauds. In
13 response to that, we try to be -- to think
14 whether we could collect criminal history
15 information to that greater level of specificity.

16 We now know that for the 70,000
17 offenders who were convicted last year, there
18 were about 400,000 prior criminal events. Well,
19 there's no way that my staff could collect
20 400,000 more things on top of the things we do.
21 So we began a process. We know that now because
22 we began to use the computer and so we have

1 developed a process for this particular function,
2 to have the computer look for this information
3 and extract it and then staff goes and cleans it,
4 and it has worked very well in this way. We
5 wouldn't be comfortable in doing the whole thing
6 that way, although I will that much could be done
7 that way. Then the trade-off is how good do you
8 want it to be.

9 JUDGE GRIMM: That's right.

10 MR. SCHMITT: So if you want 80
11 percent accuracy -- I'm just making -- this is an
12 informed guess, it's not a pure guess -- if you
13 wanted 80 percent accuracy, you could probably
14 let the computer fly and collect a lot of the
15 stuff you're interested in. But the question is
16 are you willing to be wrong one-fifth of the
17 time? Probably not.

18 We're not willing to be wrong one
19 percent of the time and that is just our cultural
20 background. So we not only collect this data by
21 hand, as I mentioned, with this one exception but
22 we have ways to go in and clean the data. And

1 when that data is cleaned, it's cleaned by a
2 completely different set of people so that
3 there's a new set of eyes who are not biased
4 about what they did before. That's beyond the
5 gold standard. It's the platinum standard or
6 maybe it's the crazy standard, but that's sort of
7 what we're about. But that's because we know
8 that when we give advice, people respond to it,
9 and we know that when you tell a judge this is
10 what other cases look like, he or she's going to
11 use that information to deprive someone of their
12 liberty. So we really want to be accurate and I
13 think accuracy can only be through people;
14 however, to get back to your question, Judge, you
15 could come up with some way to extract it and
16 then have it cleaned.

17 JUDGE GRIMM: So Mr. Schmitt's point
18 is really a very important point. When you're
19 talking about sentencing and you're putting
20 people in jail and a liberty interest is at
21 stake, the accuracy cannot be suspect, and that's
22 why they have to have the accuracy rates that

1 they talk about. Whenever you're doing big data
2 analytics, you have two components. You have
3 precision and -- which is how much of what you
4 are really looking for did you get; and you have
5 recall which is how much of what is out there
6 that you're looking for did you capture, and
7 they're inversely related. So if you want 100
8 percent recall, you ask for everything but your
9 precision goes off the charts because you got
10 much more than what you really want. And you can
11 get to that 80 percent accuracy rate for a much
12 lesser human and electronic investment, but when
13 you want to get to the 95, 98, 99, it -- order
14 of magnitude goes up in terms of having those
15 precision levels. And so you have to identify,
16 which is perhaps the wisest advice that you could
17 have given us, is identify what's important to
18 the decision-makers within the military and in
19 Congress to have captured and design your system
20 around that from the very beginning.

21 CHAIR BASHFORD: Mr. Schmitt, it seems
22 at the very beginning of this process that you

1 must have faced some choice of either letting the
2 individual district court or its personnel look
3 at the very same standardized documents and code
4 them and then send the coding up to you or have
5 this massive influx of documents and your staff
6 code. You clearly chose the latter option.

7 Would you have the same confidence had all the
8 district court personnel done the coding and just
9 sent you the codes?

10 MR. SCHMITT: Oh, not at all. I will
11 say that our choice --

12 CHAIR BASHFORD: Even though they're
13 highly -- I mean they're trained.

14 MR. SCHMITT: But they're trained to
15 do other things and so two or three points in
16 response. Part of the reason why we collect it
17 ourselves, I think, has to do with our legal
18 status. This all predates my joining the
19 Committee but the commission -- I'm sorry, the
20 commission -- the commission is an independent
21 agency in the judicial branch. We are not part
22 of the administrative office of the courts or the

1 federal judicial center. And so we feel that we
2 need to do this internally because we are who we
3 are and we're not the rest of the courts.

4 Second of all, the research staff who
5 works on this, their focus and their training is
6 to be researchers. We look at the data
7 collection from a research perspective; what do
8 we want to know, how do we want to know it.

9 Everyone who works for the courts, most all of
10 them are not researchers and so if we were to ask
11 people in the clerk's office or the probation
12 office to provide this information to us, they'd
13 come at this from a different mindset --- which
14 is running the courts, making it happen, and very
15 few of them would have the kind of training that
16 our social scientists do. And so even though I'm
17 confident that they would work hard and do their
18 best, I'm also just as confident that it wouldn't
19 be as good because the mind set is different and
20 not the least of which is that they have other
21 things to do. So my 45 people who work for me,
22 this is what they do. This is what they want to

1 do. The people in the probation office and the
2 clerk's office, they want to do something else
3 and I don't think they would be interested in
4 doing this work.

5 And I'll say to you that I think that
6 when you're going to mandate this on the
7 services, there are going to be a lot of people
8 in the services who want to do something else.
9 They want to blow up things and shoot things and
10 do this because that's what the services do.
11 They don't want to be involved in a research data
12 collection process. And God bless them. I mean
13 that's fine. And as you've read my bio, you know
14 that I'm one of those people. I'm a Reserve
15 Officer in the United States Army. And so if
16 were wearing my uniform, I wouldn't want to be a
17 researcher. I want to go do what I want to do,
18 what I was called to do in the service.

19 That's why think that you have to
20 mandate that there be a dedicated staff to this
21 function, whether it's in all five services or in
22 just once place as a Defense Agency. That's a

1 decision to make but I think that centralization
2 matters a lot if you can receive the information
3 in a central -- in a consistent fashion. If
4 you're going to have five different sets, then
5 you either have five teams or you have five
6 places to collect it.

7 DEAN HARRISON: I want to follow up on
8 your idea and I agree with you that it's best to
9 cast as far the best net as possible data
10 collection at the beginning. But you said
11 something that intrigued me. You have -- you
12 only report the data that is relevant under the
13 sentencing guidelines, and one of those data
14 points is not veteran service I understand?

15 MR. SCHMITT: That's correct.

16 DEAN HARRISON: So as a group of
17 social scientists and lawyers, what do you do
18 when you find out that 90 percent of the data
19 that begin with the defendant was an honorably
20 discharged veteran; do you at any point tug on
21 the sleeve of the commissioners and say even
22 though this is not a data point that you're

1 interested in, it's one that you should be
2 interested in?

3 MR. SCHMITT: We do from time-to-time
4 suggest to the commissioners topics that we think
5 that they should consider based on our own work
6 on the data, and we think that they listen very
7 carefully to us but they have their own ideas at
8 times.

9 DEAN HARRISON: What I'm getting at is
10 if we don't cast as wide a net as possible, then
11 we've got trained staff like you have, we might
12 be able to correct our mistakes.

13 MR. SCHMITT: Well, that's right.
14 This is the trade-off and -- I mean what it is
15 you want to collect. You never know what's going
16 to matter later on, you know --

17 DEAN HARRISON: Right.

18 MR. SCHMITT: -- and -- but I think
19 you can think -- you have the benefit of all of
20 the history in the last few years of the
21 discussion on this and so you know what matters
22 to certain members of Congress, and you know what

1 matters to the judge advocate's general, and you
2 know what matters to all of you. And so I would
3 cast your net broader than we have. And so if we
4 were to do this all over again, there's no doubt
5 that I would suggest that we would collect
6 offender characteristics because the judges may
7 take that into consideration by statute even
8 though no particular substantive statute --

9 DEAN HARRISON: Right.

10 MR. SCHMITT: -- does that. And I
11 would certainly suggest that we collect
12 information about victims, because that seems
13 like a really important point when you're talking
14 about who goes to prison. But no substantive --
15 very few substantive statutes have something that
16 says if the person was four versus six, you know,
17 they might say under 18 but the age, specific age
18 didn't matter. So we might know they're a minor
19 but we don't know the age. You all have that
20 benefit.

21 But I think what's behind your
22 question is very important if I suggest this to

1 the commissioners, they, hopefully, will listen,
2 to me because they respect me as a professional.
3 But if I don't have the numbers to back it up,
4 they may say, well, you know, Glenn, you may be
5 wrong, maybe it's not 90 percent, maybe it's 10.
6 In my courtroom, I don't see many of these
7 people, and then it all becomes personal
8 experience, which is the worst way to make
9 policy.

10 DEAN HARRISON: An anecdotal statement.

11 MR. SCHMITT: So the -- if I had the
12 numbers, they will listen to me because we are a
13 very data-driven organization. But if I don't
14 know, then they just say, "well, you don't really
15 know."

16 DEAN HARRISON: Thank you.

17 JUDGE WALTON: One of the questions
18 that has arisen after the Supreme Court ruled the
19 mandatory sentencing guidelines unconstitutional
20 is the increase in racial disparity as it relates
21 to sentencing. Has the commission collected the
22 type of information to assess whether there is

1 some legitimate basis for that disparity as
2 compared to just race? And if not, what type of
3 information should be collected, because I
4 assumed that may be an issue that conceivably
5 would arise in reference to sentencing in the
6 military context.

7 MR. SCHMITT: So we do collect basic
8 offender demographics and so we know race,
9 ethnicity, and other things about the offender.
10 The commission has done a number of studies and
11 have made those results public that do show
12 unexplained differences in sentencing that are
13 aligned on racial grounds. In our studies, we
14 have been quick to point out that there is
15 clearly data missing from the analysis. There
16 are some statistical ways in which a researcher
17 can know whether the data that they have looked
18 at explains the phenomena under study or whether
19 it doesn't explain it fully.

20 We know from those measures that our
21 analysis does not fully explain all of the
22 variation at sentencing. So there's something

1 else. It could be that there's no other
2 legitimate reason and it really is just race, or
3 it could be that there's something that we aren't
4 able to measure that is correlated with race that
5 explains the result on a legal ground but it
6 isn't the race. And undoubtedly, those are some
7 of the offender characteristics that I mentioned.
8 We think that employment status, support to
9 dependents are two things that really do matter
10 to judges. We know this because we have judge
11 commissioners and we talk to judges all the time.

12 We had thought that violence in the
13 offender's past might also explain then. When
14 two offenders equally situated, one has a violent
15 criminal history, one does not have a violent
16 criminal history, the judge will punish the more
17 -- the violent offender more severely.

18 We did some work earlier last year --
19 late last year rather to look at this and found
20 through this new effort with the computer where
21 we were able to extract criminal history, that
22 violence in the past did not have a statistical

1 significant impact on the outcome, but still
2 there's a great deal that's left.

3 We, I think, have been careful to say
4 that our data only goes so far but this is a
5 classic example of if we had more information, we
6 might be able to have more complete answers than
7 we do at the moment. So --

8 MS. GARVIN: Mr. Schmitt, can I just
9 -- for purposes of -- or I could just clear --
10 we're trying to be clear on this and that the
11 record's clear -- that the prior -- that the
12 violence, that is about perpetration, it's not
13 the violence that may have been perpetrated upon
14 a convicted person through the course or their
15 life as a child, right? That was not part of
16 that study?

17 MR. SCHMITT: That's correct.

18 MS. GARVIN: Okay.

19 MR. SCHMITT: It's the violent nature
20 of the offender's prior and --

21 MS. GARVIN: Yes.

22 MR. SCHMITT: Dr. Spohn, you've been

1 very patient.

2 DR. SPOHN: So one of the advantages
3 of the data that you collect is that it's
4 available to researchers and I and my students
5 have used it over the past few decades. I wonder
6 if you could talk about the process that
7 researchers have to go through to get access to
8 the data.

9 MR. SCHMITT: Certainly. As I
10 mentioned, the Commission makes its data sets
11 available to the public with two important
12 limitations. We take out information that would
13 identify offenders. We take out information that
14 would identify the sentencing judge. And -- but
15 everything else, for the most part, is available
16 although if you are a member of the public, you
17 would have to have the appropriate software and
18 the ability to use this really enormous data set.

19 From time-to-time, researchers will
20 have a need to know the identity of the judge or
21 the offender so they can piece and parse out the
22 different things. And we have a process in place

1 by which researchers can enter into a cooperative
2 agreement with the Commission and is approved by
3 the Commissioners themselves. And through that
4 agreement, we will then make this confidential
5 information available to the researcher. They,
6 of course, promise that they will use this data
7 in a confidential way and when they report the
8 results of their work, it will only be in an
9 aggregate form, not identifying offenders or
10 judges. And that has worked very well.

11 JUDGE GRIMM: I want to follow-up on
12 Judge Walton's question. By definition, you get
13 -- you start with a charging document and end up
14 with a judgment of conviction and a sentence and
15 explanation of the sentence and a presentence
16 report that calculates some of the information
17 that's required to be looked at by the court --

18 MR. SCHMITT: That's correct, yes.

19 JUDGE GRIMM: -- in making a decision.
20 What you have no access to because you don't have
21 the information is information underlying the
22 prosecutorial decision for which there is

1 tremendous discretion on behalf of the prosecutor
2 as how they choose to charge and whether they
3 charge the defense as a mandatory minimum. If
4 you were designing a system that would capture
5 all of the steps from investigation to conviction
6 so that you could get at the kind of information
7 that Judge Walton is asking about, is whether or
8 not -- so in other words, if you have a question
9 about whether or not the number of people
10 sentenced for a particular crime tells you
11 something about whether there are -- that there
12 is a difference between race or ethnicity or
13 class or whatever else that may be, if you knew
14 numbers of investigations and the individuals who
15 were looked at and the numbers who were charged
16 and you had access to that data, you could have a
17 more rich set of data from which you could make
18 determinations as to whether or not there is
19 merely correlation or whether there's causation
20 based upon one of those demographics. Is that
21 true?

22 MR. SCHMITT: That is true and so I

1 would want to know at the very least who was
2 arrested for crimes. Perhaps I would want to
3 know the reports made of crimes. I'd try to
4 track that through based on what happened to the
5 people that were the subject of those reports
6 and, of course, if you have the -- at least the
7 arrests, you're going to then be able to
8 correlate that with some sort of a prosecutorial
9 decision-making news, declined or it was charged
10 in this way versus that way. And then social
11 scientists believe that the decision at the plea
12 agreement stage is also extremely important. I
13 would want to know what charges were dropped.

14 Now there are tricky parts to this.
15 As you all know or many of you know, sometimes
16 the prosecutor, you know, charges a whole
17 truckload of things and they have no intent of
18 bringing anything more than one charge to
19 completion and that's just a tactic. And so if
20 one were to look at that and say, oh, well, this
21 prosecutor, who happens to be of this race, is
22 dropping 12 of every 13 charges whereas this

1 prosecutor, who happens to be of another race, is
2 only dropping 1 of 3, it might be important to
3 know that this guy always charges the whole
4 truckload and drops them and this person is more
5 finely tailored.

6 JUDGE GRIMM: Right.

7 MR. SCHMITT: Both of them are
8 legitimate. There's no legal problem there says
9 the law, but -- so the sophistication of your
10 analysis then has to be very careful --

11 JUDGE GRIMM: Yes.

12 MR. SCHMITT: -- to not attribute
13 things that aren't happening. But in a perfect
14 world, yes, I'd like to know more about what
15 prosecutors and the law enforcement agencies do.

16 CHAIR BASHFORD: But isn't some of
17 that information held by the people to your
18 right?

19 (Laughter.)

20 MR. SCHMITT: I'm not sure they have
21 prosecutorial information. It's just they're --

22 MALE SPEAKER: No.

1 MR. SCHMITT: -- the courts.

2 (Simultaneous speaking.)

3 CHAIR BASHFORD: But you would know
4 how many charges are at the outset of a case and
5 how many charges remain at the end of a case or
6 how many charges -- it seems like a lot of this
7 information is obtained --

8 MR. SCHMITT: Well, I think it's
9 knowable. I'm not sure it's known. So the
10 document is on file, someone could go through and
11 code all of the charges filed.

12 MR. KRAMER: But that's all in the
13 presentence report.

14 MR. SCHMITT: But it's not -- but it's
15 not record. So it --

16 JUDGE GRIMM: No -- no -- no.

17 MR. KRAMER: But it's not recorded by
18 you? It's not kept as --

19 MR. SCHMITT: Right. Nor do I think
20 --

21 (Simultaneous speaking.)

22 MR. SCHMITT: -- is -- are the charges

1 captured by the folks in the, you know, data
2 collection part of the administrative office.
3 They can say to you a criminal case was filed.
4 They can say to you a criminal case was a closed
5 on this day. They may even have some indicator
6 of the nature of the case, but they don't list
7 all the charges. They don't list what count one
8 was, count two was.

9 MR. KRAMER: No. It does -- it does
10 --

11 (Simultaneous speaking.)

12 MR. KRAMER: ECF, it lists every
13 single count in every case whether it's dismissed
14 or acquitted or convicted and it lists the
15 sentence on each individual count.

16 (Simultaneous speaking.)

17 JUDGE GRIMM: It also wouldn't capture
18 a superseding indictment or a criminal
19 information that was used when you dropped from
20 13 charges down to a criminal information for the
21 one charge and you have -- you would have -- for
22 each charging document filed, you would have to

1 have the criminal justice to add a summary, which
2 is a single piece of paper which summarizes the
3 charges that were originally brought. But is --

4 MR. KRAMER: It's on the docket sheet.

5 JUDGE GRIMM: It is on the docket but
6 what -- but that's exactly what Mr. Schmitt is
7 saying. It is knowable but not yet captured.

8 MR. KRAMER: I don't think you
9 extracted.

10 MS. McCALEB: If it is not captured
11 within the field in the database that captures
12 that information.

13 CHAIR BASHFORD: And if I understood
14 correctly, it's not aggregated. It's at some
15 central location. You wouldn't have to go back
16 court-by-court-by-court, is that correct?

17 MS. McCALEB: That is correct but it
18 also is true that if at the end of the case, what
19 we capture at the end of the case, but I think
20 it's -- you know, the -- whatever is filed in the
21 presentence guidelines, sometimes they're filed,
22 sometimes they're not depending on the court, but

1 that data is not captured separately in the
2 database. The fact that the document is there,
3 you can look at it but the information from the
4 document isn't in the database.

5 JUDGE GRIMM: Right.

6 MR. SCHMITT: Again, the answer, I
7 think, is that for our respective jobs, it's not
8 -- it doesn't matter, it's not material for our
9 jobs. Because the administrative office isn't
10 going to do anything whether your charge 12 or 3,
11 we don't care what you charge. We only care what
12 gets sentenced because we're the sentencing
13 commission. So -- but to the example though, I
14 think that it's possible to do a lot of things.
15 But it all is driven by what it is you want to
16 know and we each want to know different things
17 because we do different things. You have the
18 luxury of saying this is what the Department
19 needs need to know in all those cases.

20 MS. GARVIN: Does EOUSA collect and do
21 they have their own database for analysis of some
22 of this?

1 MR. SCHMITT: They do.

2 MS. GARVIN: So -- okay, that's what
3 I thought, too, so in terms of understanding some
4 of the prosecutorial data and data collection and
5 analysis, it would be to have an EOUSA
6 representative at some point?

7 MR. SCHMITT: The Department of
8 Justice would. They -- you know, they even have
9 what was considered and not charged.

10 MS. GARVIN: Yes.

11 MR. SCHMITT: That's -- but they, of
12 course, are extremely protective of that
13 information. And of course, this does
14 legitimately impinge on prosecutorial discretion
15 and so you'll get push back from some people as
16 to what they want to know. We don't collect
17 information about defenders and I would get push
18 back from them if I wanted to make a distinction
19 between CJ and a panel of attorneys and FPD's
20 office.

21 JUDGE GRIMM: The EOUSA is the
22 Executive Office of the United states Attorneys?

1 MS. McCALEB: Yes, sorry.

2 CHAIR BASHFORD: Over the course --

3 (Simultaneous speaking.)

4 CHAIR BASHFORD: Over the course of
5 the Commission, have you added any field of what
6 started?

7 MR. SCHMITT: Oh, yes, ma'am.

8 CHAIR BASHFORD: And how was that
9 done?

10 MR. SCHMITT: We had a decision come
11 about to actually add something.

12 CHAIR BASHFORD: You're told from now
13 on to collect an extra piece of information?

14 MR. SCHMITT: Yes.

15 CHAIR BASHFORD: How -- do you go
16 backwards; do you only go forwards?

17 MR. SCHMITT: It depends.

18 CHAIR BASHFORD: Okay.

19 MR. SCHMITT: For the most part, we
20 only go forward because once we have closed the
21 data set, then that is truth for us for that year
22 and we go forward. But we have other staff at

1 the Commission who are full-time computer
2 programmers and we also use contract personnel as
3 well to augment that ability. And every day,
4 they're working on the big computer system in the
5 sky and so if I say I need to now collect, you
6 know, left-handedness, they'll add a field to
7 collect left or right-handedness. I will then
8 get my staff together and we'll have a training
9 on you -- how do -- where do you find left-
10 handedness and do we need to have two codes or
11 three for the ambidextrous guys, "L," "R", and
12 "A?" We'd talk through that, you know,
13 "undetermined," how many variables would we have
14 for that particular thing, and then on a certain
15 day, I say, boom, from this day forward, we're
16 going to collect that and then it just gets added
17 to the series of collection that we do.

18 Our -- just mechanically, our staff
19 has a series of computer screens with fields on
20 it that are in a particular order that match the
21 order in which data is presented in the
22 documents. And so on the day I say go, when they

1 sign in that day, now there'll be a new blank on
2 one of those screens that will be left-handed or,
3 you know, handedness in the data-- to the pull-
4 down, it would be "L," "R," or "A."

5 So we -- and then there have been
6 instances where we would go back. So we're
7 working on a data set that's a little separate
8 now that -- about a particular aspect of
9 mandatory minimum sentencing in drug cases. It's
10 experimental. We've collected data for the
11 first year on this and we look and then the
12 Commissioners said, "well, what about this?" And
13 we said, "I don't know." And they said, "We'd
14 like to know." So we went back and added that to
15 the coding process, and we went back to the prior
16 year and added it. We had the luxury of doing
17 that because we had not reported that data yet,
18 and so it wasn't yet sort of locked in. But --
19 and I think that's the key aspect of adding
20 stuff. Once you report something as public,
21 people get anxious if the numbers change later
22 on.

1 MR. KRAMER: Can I ask you how many
2 fields or data points do you extract from each
3 case?

4 MR. SCHMITT: Well, it depends on the
5 number, what's in the case but, you know, the
6 whole menu is about 200 I would say. And so some
7 things are there. In fraud cases, you're going
8 to have loss, number of victims is there, but if
9 it's not coded as a fraud case, then that field
10 doesn't get filled in. We even have a way that
11 depending on what kind of case it is, certain of
12 those screens are there, sometimes they just
13 don't come up because it's not relevant. If it's
14 not a drug case, then the drug screen doesn't
15 even come up and it just -- you know, it's a
16 streamlining of the process but about 200, I
17 would say, is what's available in every case.

18 MR. KRAMER: So -- and I take it --
19 you've said but the main thing is that you have
20 these five documents that are pretty standard
21 across the board from every court, and that makes
22 the job much --

1 MR. SCHMITT: Yes.

2 MR. KRAMER: -- easier.

3 MR. SCHMITT: The three that we rely
4 on most are, of course, the judgment that the
5 court signs, the statement of reasons form that
6 the judge gives to us, and then the presentence
7 investigation report. That is really where most
8 of the information comes about the offender and
9 the offense. And if those documents widely
10 varied, it would be much harder to do the work.

11 MR. KRAMER: And so we're focused on
12 sexual assault cases, obviously, but -- so what
13 you're saying is there could be a standard form
14 for all types of criminal cases in the military
15 but they would have a field that wouldn't even
16 come up maybe in a drug case, but they would come
17 up in -- once you entered the type of case, then
18 that field would come up to be filled in?

19 MR. SCHMITT: Yes. So at the
20 beginning of our system, the case is called a
21 certain thing or -- and the guidelines that apply
22 are put in, and then that drives what comes

1 later. If we don't call it -- if we called it a
2 drug case or we say the guideline is 2(d)1.1,
3 which is the drug guideline, then the drug screen
4 is available. If it's a fraud case, then the
5 drug screen is -- doesn't come up.

6 MR. KRAMER: So if there was -- if
7 there -- say I'm going to -- there were
8 kidnapping charges and sexual assault charges,
9 and the person's acquitted of the sexual assault
10 charges for whatever reason and -- but convicted
11 of the kidnapping, you would code that as a
12 kidnapping and sexual assault would appear
13 nowhere in the data extraction?

14 MR. SCHMITT: That's correct, because
15 the person was not convicted of the sexual
16 assault.

17 MS. TOKASH: Because the military
18 doesn't have the presentence investigation report
19 piece of the program, I mean it's just -- it's
20 not meant to be pejorative but the military
21 system is just not that sophisticated. I mean
22 you could, in theory, have a conviction on the

1 same day that sentencing commences. So because
2 we don't have that data in the military system,
3 would you recommend that if we were going to --
4 if we're envisioning this kind of database to
5 capture data, that it would be helpful to capture
6 data at enlistment and then that could
7 potentially solve problems like identifying
8 qualifying convictions of those entering the
9 service who may have say a Brady issue?

10 MR. SCHMITT: That's a very
11 interesting question. I'm not sure that the last
12 part I've thought about it enough to know, but I
13 would say that the fact that there is no
14 presentence investigation report does provide an
15 opportunity for you to mandate how that
16 information is collected. I was thinking that
17 you were going to suggest that there be some sort
18 of report of trial document with little check-
19 boxes that were the key things that the trial
20 counsel might complete and the judge would sign,
21 that would be submitted, that would be all the
22 things that we get from the presentence

1 investigation report. I suppose you could put it
2 at the beginning of their enlistment, but I think
3 you'll get push back from people to say you're
4 collecting information about someone who hasn't
5 been convicted of any crime and why are you doing
6 this. But once the person has been convicted,
7 then the trial counsel has all sorts that he or
8 she has to do. Adding one or two more sheets
9 wouldn't be that much work. Please don't tell
10 TJAG that I said that. But that's a way that
11 they'd have the standardized data, because you
12 would mandate the form and you would have one
13 person who's intimately involved in the case put
14 it all together. Perhaps both sides would review
15 it, you know, as a part of the record of trial
16 review. And then that could come to a central
17 place to be collected.

18 We get the bulk of information from
19 the presentence investigation report, and so
20 because there isn't one, there will be -- it'll
21 be difficult to collect information if it doesn't
22 exist in one place, and I think you don't want to

1 have anyone have to read through the whole record
2 of trial to try to find all those things or go
3 into all the various personnel databases and try
4 to pull that stuff. You ought to just make them
5 pull out a document.

6 MR. KRAMER: Okay. Go ahead.

7 DEAN HARRISON: I think the data that
8 we could collect for the military even though
9 there's no presentence report would be things
10 about the defendant, years of service, awards
11 earned, fitness evaluation scores, whatever, and
12 things about the victim age, relationship,
13 severity of the crime measured some way or
14 reported some way, those would be data points
15 that could be of interest.

16 MR. SCHMITT: I mean they certainly
17 could be and you could have that central
18 collection document have a place for that, you
19 know, the last five NCOERs, was it top block,
20 middle block, bottom block. But you'll have to
21 think very carefully, I think, and I say to you
22 respectfully, on what it is you collect; does it

1 matter that this person was a top block the last
2 three NCOERs? I don't know. Does it matter to
3 the sentencing judge? But certainly, if he was
4 or she was, the defense will have introduced that
5 into the record some place so it's there to be
6 found and it would be submitted separately but
7 could also be on the collection document.

8 JUDGE GRIMM: We're also talking
9 about, as was pointed out by Ms. Tokash, is that
10 we're talking about a specific constellation of
11 offenses and a total number of under 1500 in
12 terms of charges brought if you aggregated all
13 the services, so we're having a smaller
14 population of offenses that we're trying to drill
15 down on. Does that allow us the luxury of having
16 a larger number of data collection points that
17 we're interested in?

18 MR. SCHMITT: Oh, certainly, this is
19 all a trade-off between staff, cost, and what you
20 collect. And if you all think that there's
21 enough desire by people who appropriate money to
22 have enough -- a big enough staff, you can

1 collect an awful lot of stuff.

2 Can I -- if I may, can I just make a
3 pitch? This is me talking and not the Commission
4 talking. And I realize the mandate of this
5 Committee is what it is, but I think it would be
6 extremely unfortunate if there was a data
7 collection system created that was limited only
8 to sexual assault cases. As someone who has been
9 a defender in the military, I will say to you
10 that the lack of transparency on what happens in
11 courts-martial is unfortunate, and it's really a
12 data collection problem. And to not be able to
13 say that these are the cases brought to courts-
14 martial, these are the results and the sentences
15 imposed for all variety of things, I think is
16 unfortunate and unfair. And so if you're going
17 to create a system, it would be nice if it was
18 not just limited to these types of crimes.
19 Again, my personal view, not the Commission's.

20 DEAN HARRISON: And I was -- I never
21 disagree with the sitting judge but I think the
22 Article 140 Alpha really requires data collection

1 on all crimes, not just --

2 MR. KRAMER: Yes.

3 DEAN HARRISON: -- sexual assault so
4 even drug possession or whatever data points,
5 they're all there.

6 MR. KRAMER: I'm sorry. Can I just --

7 DEAN HARRISON: Go ahead.

8 MR. KRAMER: -- you said there's about
9 200 fields but obviously, like you said, if it's
10 a drug case, some other things are not going to
11 pop up. So in a -- what's like the core, like in
12 an average case, is it, say, 50 or 75 that are
13 actually populated finally in the end, or is
14 there an average number of the 200?

15 MR. SCHMITT: I don't think I know,
16 Mr. Kramer. I'm sorry.

17 CHAIR BASHFORD: But let's look at it
18 another way. One of your analysts working one
19 day, how many cases can they do?

20 MR. SCHMITT: We set quantity and
21 quality standards for our employees and so the
22 document analysts are required it depends on the

1 grade of the employee as well -- to complete
2 between 4 and 4.4 cases per hour. That's moving
3 pretty fast.

4 CHAIR BASHFORD: But that's helpful.

5 MR. SCHMITT: And it's the
6 standardization of the process is what allows
7 that to happen, and the standardization of the
8 documents is what allows that to happen. When we
9 do a special coding project where we have to go
10 back in, read the documents and say, what does it
11 mean when the judge said blah, blah, blah, blah,
12 blah, that process is much, much slower.

13 BGEN SCHWENK: And they have to
14 sustain that for both of the hours they worked
15 that day?

16 (Laughter.)

17 MR. SCHMITT: Or all eight or nine.

18 (Laughter.)

19 BGEN SCHWENK: What about quality
20 control? What ideas do you have for quality
21 control on -- in our system, it's definitely
22 diffused. We could centralize it probably some

1 if the Department chose to do that, but what
2 ideas do you have for quality control so that you
3 have some reasonable expectation that -- and I
4 don't think anybody wants to create an 80 percent
5 system because that makes the job of future
6 people, the JAGs themselves and future people
7 evaluating it, they got a 20 percent error rate
8 they're using, that doesn't help. So it's going
9 to be a higher number that it's probably going to
10 aim for. So how -- what ways can you do that?

11 MR. SCHMITT: Well, there are three or
12 four at least that I think are important. I
13 can't stress enough my personal view and I think
14 the Commission's that having people dedicated to
15 this data collection and analysis effort is
16 crucial. If this is only a part of their job,
17 they won't be as good as if this is their job.

18 Second, as with anything, training is
19 key to this. We continually train our people.
20 We have quarterly staff meetings. We have
21 meetings with your supervisor and those folks are
22 trained as to how to be good at their work. And

1 so what their supervisors do is they review their
2 work periodically, pick cases at random, look to
3 see how the person has coded it to make sure that
4 they are coding it in the correct way. And if
5 that's -- if it's not, then they go back and say,
6 you know, you're missing this, you need to get
7 this improved.

8 But the way in which we are -- we have
9 helped to ensure the quality of our work is
10 through some computer technology. And so we have
11 programs that run in the background that will
12 tell the analyst while they're in the case if
13 they've forgotten to fill in a field or if they
14 complete a couple things that together relate to
15 a third thing but it can't possibly be that way
16 based on the math or the way the guidelines work,
17 then a little box pops up that says, you know,
18 warning, you can't have this or this has been
19 left undone, you know, drug quantity is wrong or
20 missing, that sort of thing. And so that's while
21 the person's in the case.

22 And then we have a second computer

1 program that goes in from time-to-time and reads,
2 you know, the variables in a whole swath of cases
3 to look again for things that are, if you will,
4 logical inconsistencies in the way the data is
5 done or things that are missing. And when that
6 happens, we have a separate staff that goes in
7 and reviews those cases so that maybe the fourth
8 point is the redundancy --

9 BGEN SCHWENK: The clean up people.

10 MR. SCHMITT: The clean up people,
11 yes, to make sure that it's right. But the fact
12 that they're different people is important to
13 that because it's a new, fresh set of eyes.

14 MS. CANNON: Thank you. It seems that
15 you're gathering data at the end of the case for
16 sentencing purposes. What we're finding is we're
17 very interested in the cases that don't get filed
18 as well as the cases that do get filed and the
19 questions and issues that go into that. Do you
20 have any suggestions how, based on how you're
21 doing it at the end, how we might capture that at
22 the beginning?

1 MR. SCHMITT: Well, it seems to me
2 that you would need inputs from two different
3 actors that we don't have and that is the law
4 enforcement folks, so CID takes a complaint from
5 someone that something has happened; you would
6 want to know what happened to that; you need to
7 know data on who was the subject of that
8 complaint. And then some decision about the
9 staff judge advocate folks, whether they decided
10 -- why they decided to bring the case or not.

11 On the law enforcement piece, I know
12 those information exists. CID has all sorts of
13 databases and you could pull that information
14 out. There are obviously some confidentiality
15 aspects with that. Of course, if this is a
16 closed system and kept confidential like ours is,
17 then you don't have that concern.

18 I worry a little bit about the
19 prosecutorial piece, requiring them to say why
20 they did or didn't bring the case I think would
21 be challenging but that's clearly the other part
22 of this, is why did they decline to prefer the

1 charges. And I suppose there's a third piece
2 which is from the convening authority to know why
3 he or she didn't refer the case. I suppose you
4 could have those officers provide some sort of
5 report that, again, would be coded in some way.

6 But I appreciate that on those last
7 two points, that's a big challenge and it will be
8 seen as a way to chill the discretion or the
9 decision-making of both prosecutors and convening
10 authorities.

11 But without information about those
12 three steps, who gets arrested, how does the
13 prosecutor decide, how does the convening
14 authority decide, then you can't run the case
15 through its process. And if you all perceive
16 that the breakdown is in the decision to
17 prosecute or the decision to refer, then that's
18 where you could collect the information. If
19 you're not worried what the sentences were, too
20 high, too low, then if it's really about whether
21 the case was brought, then that's where you
22 should focus on the data collection and find some

1 way to standardize what it is they tell you
2 without asking them to tell you everything. So
3 maybe the prosecutor just has to say to you,
4 "evidence insufficient, victim's unwilling to
5 cooperate," or -- those would be the two that
6 come to mind.

7 MS. CANNON: My sense is we would want
8 to do from A to Z. This earlier part is a part
9 that we're very interested in but I think we want
10 to know the data so that at the end, we could
11 extract whatever questions and answers we needed.

12 MR. SCHMITT: Well, I certainly would
13 agree in general that it's always good to know an
14 entire -- all the aspects of a process, not just
15 the end. From my own experience, I will say to
16 you that I think there is great disparity among
17 judges and the sentences imposed and those always
18 disturbed me when I was an advocate. Obviously,
19 the point of the sentencing guidelines was to
20 narrow the amount of disparity in federal
21 sentencing that was perceived to exist before the
22 Sentencing Reform Act was passed. So this very

1 complex book is as complex as it is because of a
2 concern that there was differences in sentencing
3 that were not based on the facts and that would
4 be unjust and I would agree. And so I think that
5 concern also exists in the military and I hope
6 that that has not lost sight of in the focus on
7 the front end, which I also appreciate is a
8 legitimate focus.

9 MR. MARKEY: First of all, thank you
10 very much for the information. I appreciate it.
11 In regards to Ms. Cannon's comment, I think you
12 have described exactly what our -- what I feel
13 our task is, to identify through the entire
14 process a collection of information and data
15 that's critical for analyzing and determining
16 resources and whether the responses are
17 appropriate or not.

18 I will piggyback on what General
19 Schwenk was talking about, which is QC and QA,
20 and I go back to your source materials which are
21 five documents that you rely on. It sounds like
22 your analysts and your researchers are driven by

1 the accuracy and quality of those documents that
2 are given to them. And so I'm curious about the
3 source of those documents. Are they -- first of
4 all, who is completing those documents at the
5 different court systems? How do you ensure that
6 that information not only -- one -- I'd say one,
7 do we have missing data and then two, is the
8 information we have accurate? So there -- I see
9 two different processes here. Easy for a
10 computer to day we've got missing data, you need
11 to fill this box in, but is that data accurate?
12 I go back to the very 101s of collecting data.
13 Are these documents electronically being entered
14 by your personnel at that level, or are they in
15 written documents that are being transmitted to
16 your people to review?

17 MR. SCHMITT: The documents come to us
18 now as PDF documents, so they're copies of the
19 actual hard copy documents. Of course, some of
20 these documents only exist in digits. They don't
21 actually exist in a piece of paper someplace.
22 But they are submitted to the commission through

1 electronic means, but when my people review them,
2 they're looking at a computer screen and it looks
3 like a paper document. And if we were to hit
4 "print," we could print it out but we don't use
5 paper documents. So they review that.

6 The documents, in terms of who creates
7 them, it's a variety, of course. So the
8 indictment is created by the prosecutor. We know
9 that it is the indictment because it's got the
10 seal of the court that it was the one that was
11 filed. The probation officer in the case is the
12 one who creates the presentence investigation
13 report. It's reviewed by both parties.

14 MR. MARKEY: Right.

15 MR. SCHMITT: And, of course, the
16 court makes a finding at sentencing as to whether
17 he or she accepts the document as complete or if
18 they find problems with it, they note in another
19 document that we get, the statement of reasons
20 form, any changes that they are making to that
21 presentence investigation report. The judgment
22 and commitment order is the court's own document

1 bearing the judge's own signature and so he has
2 or she has reviewed that as prepared sometimes --
3 most often by court staff but sometimes by
4 clerk's office staff. Sometimes courtroom staff
5 -- I mean sometimes clerk's office staff. And of
6 course, the plea agreement, the one I skipped
7 over, is written by both advocates, signed by the
8 prosecutor and the defender and the defendant.
9 So all these advocates, of course, have seen this
10 document and through the process would have
11 called to the judge's attention something that
12 was in error.

13 We receive the documents from one
14 place and so that may be part of your question.
15 When -- those documents are sent to us by court
16 staff who are the court staff involved in the
17 process, almost always the probation officers
18 send these documents to us. They obviously have
19 those documents in their system which they use
20 for their own purposes and they fire them off to
21 us. One district uses the court clerk's office
22 to send the documents to us, but we know that the

1 documents are real because a court official is
2 sending them to us, and that person gets them
3 from the court's official docket, whether they're
4 in -- well, they're in the docket someplace.
5 They're not always publicly available, of course,
6 because they could be sealed. Have I answered
7 your question?

8 MR. MARKEY: Sort of. So they're not
9 electronically entering the information into one
10 of these source documents and then transmitting
11 those to you where that information could be
12 populated into your database?

13 MR. SCHMITT: Right.

14 MR. MARKEY: That --

15 MR. SCHMITT: That's right.

16 MR. MARKEY: -- level of
17 sophistication isn't occurring. It's some sort
18 of document that they scan or got the PDF and
19 then you read that original document?

20 MR. SCHMITT: That's right.

21 MR. MARKEY: Yes. I'm not questioning
22 the validity of the document. I'm questioning,

1 you know, the process of how it gets to you --

2 MR. SCHMITT: Yes.

3 MR. MARKEY: -- okay. It seems -- you
4 know, efficiency is always an issue.

5 MR. SCHMITT: The technology does
6 exist that the data that they put in their
7 system, we could pull into our system or they
8 could push into our system, and I wouldn't even
9 need to see the document, just the fields would
10 come in. But we have chosen not to do that
11 because we want to take a fresh look at it and
12 read it for ourselves and understand it. And I
13 will say that.

14 When we look and it says the person
15 was white, we code it as white, there's not a lot
16 of judgment that goes into that. That's what the
17 document says. We don't ever change that. So
18 there are some things where we could clearly pull
19 the information in, but as -- but because there
20 are some things that we really want our people to
21 use their judgment on, we have made a decision
22 that we'll do the whole thing ourselves. Again,

1 that's part culture, part our legal standing as
2 an independent agency, but it's not necessarily
3 the best practice. You could have a system where
4 you are pushing or pulling in data from databases
5 that the services collect -- keep, but you then
6 have to be -- you then have to know who is
7 putting the data in there. And if it's not
8 reviewed or cleaned, then it is what it is, where
9 we have the luxury of putting it in ourselves.
10 We can think about it every time.

11 MR. MARKEY: Oh, I have one just quick
12 follow-up. You said there are situations where
13 you would use judgment on something. Can you
14 give us an example of where you would get
15 information and then you'd make a discretionary
16 judgment on how to answer that? And I'm assuming
17 that's the process. What would be an example
18 where you would get data, then you would
19 interpret it a certain way and input it?

20 MR. SCHMITT: We have a field that we
21 called the guideline high so is -- which is not
22 something that the court determines. Let me give

1 you an example. When a person is convicted of
2 three separate crimes, there will be three
3 guidelines that apply in the case. So for
4 example, drug trafficking, money laundering, and
5 obstruction of justice, there will be three
6 counts of conviction. The court will have used
7 three different guidelines to determine the
8 sentence and then under the guidelines, they will
9 use one of those to drive the sentence. When the
10 document comes to us, it says guideline this was
11 used and guideline two was used and guideline
12 three was used. We look at -- we make our own
13 decision as to which was the one that drove the
14 court's decision-making, which was the one that
15 resulted in the highest sentence. And we then
16 say that's the guideline high that applied in
17 that case. It's not a -- it's a judgment
18 informed by the way the guidelines work. No
19 document -- there's no blank on the documents
20 that say guideline high was, you know, 2(d)1.1.
21 We make the decision that of these three, the
22 court had to have used 2(d)1.1 as the guideline

1 high because that was the one that resulted in
2 the higher sentence. That's an example but we
3 don't guess at anything.

4 MR. MARKEY: But you are interpreting?
5 Do you ever go back to the court and collect a
6 clarification?

7 MR. SCHMITT: On a rare occasion, we
8 will call and say what does this mean or this is
9 blank.

10 MR. MARKEY: Thank you.

11 JUDGE GRIMM: I'm not sure that we can
12 get an answer that is doable with time and
13 resources. One of the things that we have looked
14 at is percentages of charges in a certain
15 category that resulted in convictions. And if
16 you were looking at conviction rates, for
17 example, that were 25 percent for a particular
18 charge and you were trying to figure out why is
19 it that for these type of offenses, the
20 conviction rates are at this level which in the
21 federal system would be considered a surprisingly
22 low number of convictions for the resources

1 brought to bear. Are there any suggestions that
2 you could give us as to how we might try to
3 capture that information you have to get from the
4 decision-maker and it's unlikely that the judge
5 or the members are going to feel as though a form
6 that requires them to explain why they did or
7 didn't do something was not an intrusion into
8 their functions? So I'm not sure we can ever
9 capture that but if -- since you have a foot in
10 both of our -- the worlds of how trials go and
11 how the data from those and records are performed
12 and you also have been a part of that process
13 yourself in your military capacity, do you have
14 any thoughts that might help us with that?

15 MR. SCHMITT: Well, I think the
16 largest single driver of whether a charge to
17 count is then a counted conviction has to do with
18 the plea agreement in the case. And in the
19 federal system where 97 percent of the cases
20 plead out, every one of those pleas takes things
21 off the table. And so the fact that a particular
22 statute was charged and isn't the count of

1 conviction has no bearing on whether that's a --
2 was good evidence or whether that was a good
3 statute. It's just what the deal was. To me,
4 you would have to have at least that
5 understanding of was this a plea agreement case
6 or not. And I think the only way you can really
7 test whether certain articles are successful or
8 too hard to prove or whatever is to look only at
9 contested cases when that was on the table and --

10 JUDGE GRIMM: Yes, sir.

11 MR. SCHMITT: -- then they acquitted
12 them of them. Or you can see what the punishment
13 was for that, and I think that's another item of
14 interest. Some people may say well, I think that
15 the average sentence for these articles are way
16 too low. Well, that's the question; what is the
17 average sentence for those articles? And then
18 you might want to make a distinction between in
19 plea cases when that person pled guilty to that
20 versus fully contested cases where they didn't
21 plead guilty to that, because that makes a
22 difference. It makes more of a difference in the

1 federal system because you get a little of the
2 discount if you cooperate, if you pleaded guilty
3 I should say, you accept responsibility. But
4 surely, it also makes a difference in the
5 military if you accept responsibility versus
6 oppose everything.

7 Beyond that, I don't think you can get
8 farther into the mind of the judge or the panel
9 on --

10 JUDGE GRIMM: That's true.

11 MR. SCHMITT: -- why they decided to
12 convict of a particular article, and I don't
13 think you should.

14 CHIEF MCKINLEY: Sir, kind of
15 piggybacking on his question. With your
16 experience as a JAG, do you think that possibly
17 convening authorities will just go ahead and give
18 the benefit of the doubt and refer something to a
19 court martial versus a civilian prosecution
20 wouldn't take that to court?

21 MR. SCHMITT: I don't know that I
22 would hazard a guess. I would hope that

1 convening authorities are informed by their staff
2 judge advocate who has done his or her duty to
3 ensure that justice is done and not to suggest to
4 the convening authority that he or she refer
5 something where the evidence was not sufficient.
6 I hope that that's happening all the time. I
7 think there is tremendous pressure on convening
8 authorities at the moment to refer everything
9 that comes to them.

10 I don't -- in my experience, military
11 prosecutors, on the whole, exercise the same
12 amount of discretion as civilian prosecutors. The
13 only difference, in my judgment, in my experience
14 was that oftentimes military prosecutors are much
15 younger, much earlier in their career and
16 sometimes a little overzealous, and civilian
17 prosecutors, with the benefit of age and
18 experience, are a little better able to make
19 informed judgment that somebody who's only been
20 out of law school for six months.

21 MS. GARVIN: It is actually a question
22 for -- the panel starting early on with -- you

1 know, about the wording that you get when you're
2 filing a document, about you're responsible for
3 redacting, you're responsible for the privacy
4 aspects of this. I'm just curious if you have --
5 as someone who files those documents, you know, I
6 pay attention to that. Obviously, I'm a victim's
7 attorney. I'm paying attention to it very
8 carefully but I also see other documents where
9 I'm like, "ah, oh, gosh," and then I'm filing
10 motions to try and fix it. So I'm just curious
11 if you have recommendations as folks are thinking
12 about a system, a database, putting all of this
13 and systematizing it, what your recommendations
14 are for privacy. I know in your testimony, you
15 had said, you know, algorithms are not going to
16 catch everything, there's no substitute for
17 people, but what are all of the suspenders that
18 you might recommend across the board?

19 MS. McCALEB: Well, I could say one
20 thing that we're looking at is there are some
21 software that will look for patterns, and so
22 Social Security numbers, the obvious example. So

1 even though it is the attorney's responsibility
2 to redact that information, it doesn't always
3 happen. So we're looking at software either off
4 the shelf software or creating it our self to go
5 through and review the document at the moment
6 that it's filed. In some courts, the policy is
7 no matter what, the attorney is able to file the
8 document even if there are mistakes in it and
9 they can get corrected later. But we're looking
10 at warning the attorney -- you're not preventing
11 them from filing it -- but warning the attorney
12 that the software detected a Social Security
13 number, for example, and giving them a chance to
14 not finish that filing, go back, correct it, and
15 then do it -- get it just right the first time.
16 That works well for something like a Social
17 Security number but for name of a minor child, no
18 software is going to find that. But there are
19 some things that can be done that way and it's --
20 you know, we also can get software just to see if
21 the title of the document -- when the document is
22 filed, it has a case number on it, obviously;

1 does that match the case that the attorney
2 selected when they addressed the file? So things
3 like that we can have software that can identify
4 errors before they're filed. Attorneys do
5 occasionally file into the wrong cases and then
6 the docket is -- that's another way that you can
7 prevent some error at the beginning through
8 software.

9 MR. KRAMER: I don't know if this is
10 a local variation or national but if we file --
11 and this goes back to your -- if we file
12 something and realize that something should have
13 been redacted, we can call the clerk's office and
14 they'll log the document off until the corrected
15 --

16 MS. McCALEB: Yes.

17 MR. KRAMER: -- redacted version is
18 filed. Is that a national --

19 MS. McCALEB: I think our --

20 MR. KRAMER: -- thing or just a local?

21 MS. McCALEB: -- I -- well, it's -- I
22 think it's local but I do think probably all

1 courts -- I mean I certainly have heard about
2 that and the clerk's office will go through and
3 they'll -- it depends on the local practice but
4 they'll either go through the document and allow
5 the attorney to file it again. Or in some
6 courts, if it's filed, it's filed so then they
7 just add a note to that entry that says filed in
8 error, so you know something was done. So there
9 are two ways of doing it but I think almost every
10 court does allow that.

11 MR. KRAMER: So you can do that very
12 quickly, somebody could call and say --

13 MS. GARVIN: And we do that. I mean
14 obviously, if we see something before I even
15 filed a motion on someone else, I have called the
16 court and asked them to do something -- and the
17 other party.

18 DEAN HARRISON: As a follow-up, is it
19 possible to structure the software so that it
20 goes live for all of the parties and the clerk
21 and the judge but public access is delayed for 24
22 hours --

1 MS. McCALEB: We have looked at that.
2 We have not had a clear requirement from our
3 groups -- from our courts to do that. But there
4 is -- it's certainly been discussed among some of
5 our working groups and our expert panels. We
6 have these groups that advise us, that I spoke of
7 earlier, about how the software should work, and
8 that is one of the things that we've looked at.

9 DEAN HARRISON: It's possible to do
10 that --

11 MS. McCALEB: It is possible to do it.
12 We haven't done it. They call it "lodging." And
13 there are times, too, when I think an attorney
14 will call the court and, you know, just talk
15 about what they need to do and if they -- it
16 should be sealed, just get advice on how to do
17 it. Sometimes they email the document to the
18 court rather than file it themselves.

19 CHAIR BASHFORD: Before I let you go
20 with the thanks of the committee, I just want to
21 see if there's anything that the staff would like
22 to have clarified from the remarks --

1 MS. PETERS: Yes, ma'am.

2 CHAIR BASHFORD: Ms. Peters.

3 MS. PETERS: A few questions. First,
4 for an administrative office of the courts, I
5 think before the meeting, you were kind enough to
6 provide the staff and the Committee with a code
7 book from the Federal Judicial Center, the
8 Criminal Integrated Database. It has a series of
9 codes that I think are in the system. Do you
10 have any comment on how we could do further
11 research with this or what we can take away from
12 a code book like this or how we could further our
13 research on the information available in the
14 federal court system as pertains to trials as
15 opposed to sentencing?

16 MS. McCALEB: Well, so there are a lot
17 of different -- so there's the nature of suit
18 codes that Wendell mentioned for example. So
19 there's a standard list of those and one of the
20 ways -- when you talk about quality control, one
21 of the ways of handling that is there's like a
22 drop-down box and all of the codes that are

1 applicable are available to select, but somebody
2 can't just type something in. They must choose
3 from one of those codes. Whatever codes that you
4 have, if they are available in that way to the
5 software so that the end user has specific
6 choices to make and can't just type something in,
7 that's a very valuable way of using the codes
8 that you've got.

9 Another way is with date validation.
10 So our software knows what day it is so you don't
11 have to have somebody enter a date. It just
12 automatically -- it captures it from the
13 operating system really, server. But if you need
14 to enter a date, a future date, if you can put a
15 calendar icon on that field so you can then
16 select a date but you can't enter a date and get
17 the year wrong or, you know, when you enter from
18 the keyboard, you know, you're typing in 2017 all
19 day, you'll type in 2018 by mistake, but if you
20 have a calendar icon that they just click on --
21 there are a lot of different ways like that that
22 you can use codes and different kinds of

1 mechanisms to make sure that the field and the
2 data that you're getting are as accurate as they
3 can be.

4 MR. SKIDGEL: I would also add that
5 the codes that are in that code book is, as Mr.
6 Schmitt mentioned, is a trade-off in terms of the
7 offense codes, it grabs a five that are there at
8 the opening of the case and the five that are
9 considered the most important at the end of the
10 case. Your fields could contain more than that
11 or less. The -- also, by having those codes, we
12 talked about standardization and how some events
13 and motions are different in one court versus
14 another, but under the code, there's a conversion
15 table so all of these motions of a certain type,
16 no matter what I call them, all go to a same
17 specific code which shows up in the statistical
18 data that we have, and that's how we're able to
19 provide that aggregated statistical data to
20 Congress yearly and also allow researchers to use
21 it as well.

22 And the other thing I'd mention is on

1 the public access side, you do want to have
2 controls on the -- your date ranges because if
3 someone puts in the year, they're pulling a huge
4 amount of data, it's taking a lot of time and
5 resources, and if you end up billing for it, it's
6 my credit would be crushed type of situation.

7 MS. PETERS: The staff had a note to
8 ask what is the cost of opening a PACER account?

9 MR. SKIDGEL: There is no cost open a
10 PACER account. There are two ways to do it. One
11 is if you provide a credit card. What that does
12 is we use that credit card to validate the
13 address because in effect, the Government is
14 issuing credit. You're going to use the system.
15 If you use less than \$15.00 worth of code,
16 there's no bill. If you don't want to supply a
17 credit card, you can supply a name and address
18 and we will -- the system will send you, within
19 24 hours, U.S. Mail, log-in and separately a
20 password which you can then use the system. If
21 you use a credit card, you have access within 15
22 minutes or less. If you go without using a

1 credit card, it's just however long it takes the
2 mail to get to you, but we send it out within the
3 day.

4 MS. PETERS: And I do have one more
5 question and this is for the group. An issue
6 that arises in the military is the handling of
7 classified information, and you all spoke
8 extensively about sealed matters, sensitive and
9 confidential information. But can you, through
10 your experience, expand upon how classified cases
11 would be handled, like they may not involve
12 sexual assault but certainly it's possible that
13 they might so I think it's of relevance. And
14 from the military's experience, there's often two
15 entirely separate networks that never talk to one
16 another to make sure that classified information
17 is never inadvertently or intentionally disclosed
18 on that other platform. So if you could speak to
19 how your systems might address one of those
20 issues involving classified information, that
21 would be helpful.

22 MS. McCALEB: In CM/ECF, it's all on

1 one network. There are firewalls between the
2 inside and the outside. There is a judiciary
3 intranet but the attorneys file from internet.
4 So we have a lot of securities built into the
5 system. For sealed cases, you know, I talked
6 about the levels of security as depending on the
7 document or the docket entry or the entire case,
8 but when you build the system, you need to know
9 how many levels and how wide it would be so that
10 you can, from the beginning, architect the
11 system.

12 MR. SCHMITT: The courts are required
13 to submit to us all documents even if they're
14 sealed, and so about 10 percent of the documents
15 that we receive every year have been ordered
16 sealed by the court because there is not remote
17 access into our system and because only
18 Commission employees see these documents, there's
19 a tremendous level of security, of course, for
20 that. In the 12 years I've been at the
21 Commission, I've not come across a case where
22 there was classified information in a PSR, for

1 example, I would say wouldn't need to be in the
2 judgment or commitment order or the statement of
3 reasons form. It would only be in the PSR. I
4 suppose the court would just decide not to send
5 that to us. It might be in that fraction of
6 cases we don't get.

7 But classified information that might
8 show up in a court document, I think, is somewhat
9 rare; it might be debated in court; it might be
10 in the record -- it be in the -- you know, in the
11 record of the proceedings but on the five
12 documents we get, I think it's unlikely. So I
13 don't know that our experience can be very
14 informative to you where I -- I appreciate that
15 there will be many more classified matters in the
16 military.

17 MS. PETERS: Thank you.

18 CHAIR BASHFORD: Ms. McCaleb, Mr.
19 Skidgel, Mr. Schmitt, thank you so much. Your
20 testimony has been very informative.

21 MS. McCALEB: Thank you.

22 CHAIR BASHFORD: And we're on recess.

1 (Whereupon, the above-entitled matter
2 went off the record at 11:20 a.m. and resumed at
3 12:16 p.m.)

4 CHAIR BASHFORD: Before we move to the
5 case reviews, there have been a couple of requests
6 that we have a little chance to sort of talk and
7 digest what we just heard. Some people thought at
8 the end -- I thought maybe if we could take 10
9 minutes now, if there is anybody who wants to
10 comment on what they heard or digested in a group.

11 And we're now -- we have now been joined
12 by Ms. Long, too. I just wanted to get that on the
13 record.

14 Okay. I'll kick it off. I thought one
15 of the most important things that we heard was the
16 benefits of having a document-based system where
17 the documents go to a central location. I suppose
18 it could be multiple central locations, but the
19 people who that is their job to do, then do the
20 coding from these documents. I thought that was
21 very valuable.

22 MS. CANNON: It seemed to me that --

1 that there was a lot of experience on how to do
2 this, and they went through some different
3 iterations to finally get to some very
4 sophisticated networking capability.

5 And one of the things that struck me was
6 that as few documents as can be suggested to be
7 critical to inputting is important. So figuring
8 out what the most important data we want to know,
9 because we want to capture it both at the beginning
10 and at the end, as well as in the middle.

11 So what would best -- what would those
12 documents best be, and try to streamline those, so
13 that they could fit across the different forces and
14 be uniform.

15 Otherwise, I mean, the one person talked
16 about beginning in 1995 and 17 years later they had
17 their system. And those in the federal know what
18 I'm talking about. I don't think we want to have
19 that kind of timeline, so that's what I got from
20 it.

21 JUDGE BRISBOIS: Some of that timeline,
22 though, is a function of changes in technology. So

1 it would be a much more compressed timeframe, given
2 the status of data systems now compared to 20 years
3 ago.

4 CHAIR BASHFORD: But I think, you know,
5 we don't have to reinvent the wheel. There are
6 systems that have been developed, but all of -- if
7 I counted right -- and I very well might have -- I
8 mean, they were getting five documents at the
9 Sentencing Commission, and their -- their possible
10 field had how many possible entries?

11 Yeah. So if you have -- you know, if
12 you have 10 documents, you know, it goes on.

13 Any other thoughts, things that they
14 wanted to digest as a group?

15 MS. TOKASH: Yeah. I disagree with the
16 potential for impact on prosecutorial discretion.
17 You all know I'm a prosecutor. I think that asking
18 for a reason at the investigative level, the judge
19 advocate level, and the command level, as to why a
20 decision was made does not impede on discretion.

21 And I think that that's the very heart
22 of what this committee is trying to get at,

1 especially when we did look at conviction rates.
2 I think that the only way we can get to that is by
3 understanding, was there evidence that could
4 sustain and maintain a conviction? Maybe not. And
5 if not, was there another reason?

6 And if the commander says, "Well, the
7 reason why I referred a case that I believed, even
8 though my judge advocate was telling me could not
9 maintain and sustain a conviction, I believed that
10 there was an interest of good order and discipline
11 to send it forward anyway."

12 I think that that information is very
13 valuable, and I don't think that that's impeding on
14 discretion. I think it's doing that which this
15 committee is charged to do in finding out, you
16 know, why we have a problem with military sexual
17 assault cases.

18 And unless and until we know that, we're
19 just not going to know what the root of the problem
20 is. And it appears, at least from the early onset,
21 that that might be one of them. It could be victim
22 expectation or victim expectation management with

1 regard to the quality and the credibility of the
2 evidence going forward. I mean, a myriad of
3 things.

4 But unless and until we are able to
5 examine those three things from the investigative
6 level, the judge advocate level, and the command
7 level, I don't think that we really are going to be
8 able to wholly complete our mission.

9 JUDGE GRIMM: Could I respond to that?
10 I think you're right, but I -- if I -- if I use as
11 a comparator the process that Walton and I and all
12 the judges who are familiar with doing this in
13 terms of the felony cases, we have to explain the
14 reasons for our sentences.

15 So if I vary above or below what the
16 guideline range is, I have to say that. And I have
17 some boxes I could check, but I also, if I had to,
18 I have to have a narrative. But I also know that
19 while that data is collective, the general
20 information is published but not the individual.

21 You're not going to get, or if you have
22 a commander who says, "The real reason why I

1 referred this, despite the fact that my judge
2 advocate said that I don't have a case is because
3 I'm afraid that if I don't I'm going to get my
4 promotion," they're not going to say that or say
5 anything that would allow you to decide if that's
6 what is going on, if it's going to have their name
7 on it and it ties back to them.

8 So if you want to know the real reasons,
9 then you need to consider whether or not the
10 information that you get from those people who are
11 making decisions is anonymized, so that they -- so
12 it doesn't go back to that one individual person,
13 so that he can say, "Well, we're going to go back
14 to Colonel So-and-So when he was a brigade
15 commander and find out why it is that these
16 occurred."

17 So there is a tradeoff there. I don't
18 know if it can be done, but if you know -- you
19 know, there's a principle of physics that says that
20 observed behavior, particles -- particles observed
21 behave differently. And when you think that your
22 name is going on it, I don't know if there is some

1 force going on there other than what is going to be
2 in the dropdown box you're not going to capture if
3 it ties back to what they're -- they could be
4 pointing out to that.

5 MS. TOKASH: But perhaps that -- with
6 the example that you used with, you know, that CG,
7 I mean, I had that happen to me in the Army as a
8 special victim prosecutor where the commanding
9 general, despite his advice of his judge advocate,
10 his SJA, decided to refer the case forward.

11 And the defense filed a motion to
12 dismiss for the appearance of unlawful command
13 influence the morning of trial, and the commanding
14 general of that installation refused to come to the
15 courtroom to get on the stand and explain why it
16 wasn't the fact that he was pending nomination for
17 a fourth star, right?

18 So not coming -- you know, not coming
19 over to the courtroom because I couldn't proffer as
20 to the trial counsel. I had no evidence to the
21 contrary and the case was dismissed. But perhaps
22 if there was that transparency to actually say the

1 reason why these commanders are doing what they're
2 doing, then maybe they wouldn't make what in my
3 opinion was an improper referral decision. And I
4 think the court got it right in that case.

5 BGEN SCHWENK: Could I comment on that?
6 I think the unlawful command influence is the
7 concern, and the concern is, to make a decision,
8 you don't have a reason, people can criticize it or
9 what have you. But it's less obvious than when you
10 make a decision and people say you've decided it or
11 she decided it based on what.

12 And so I think that's the basis for the
13 traditional approach of no reasoning, just make a
14 decision based on whatever your reason is. You
15 have complete discretion. You're the convening
16 authority. So I think when we do our analysis and
17 we talk about this in more depth, we're likely to
18 conclude what everybody said. It would be helpful
19 if there were a reason. It helps you with your
20 analysis. It helps you decide how the system can
21 be made better.

22 But we have to -- I think we're going to

1 have to ask the services to come in and talk about
2 unlawful command influence and what their views are
3 on, if we go that direction, what is the effect on
4 military justice? Because it's different than
5 federal judges.

6 It's one of those systems where people
7 say aye-aye and do what the senior person wants.
8 And if somebody senior criticizes a decision over
9 in left field for one reason, then all of the other
10 people who make similar decisions realize there is
11 a right answer and a wrong answer here. And then
12 you have a problem within the system.

13 So I think the concern or the desire to
14 have a reason is a good one. But I think we just
15 need to hear about it and not let it influence any
16 other concerns the services have, so we can balance
17 it all in making our final decision.

18 One thing I'll say on this -- since I'm
19 talking, one thing I'll say on a way to approach
20 the 140A thing is one approach might be from the
21 consumer of the data in order to do analysis for
22 improving the military justice system; in our case,

1 sexual assault.

2 In the case of the Military Justice
3 Review Panel, I believe it will be called, the
4 entire military justice system. And in that way,
5 we would start with, what do we think the system
6 ought to look like to give the analyzers what they
7 need?

8 And we heard a lot of great things this
9 morning about what ought to be in a system, and
10 that -- if you take that approach, then you have to
11 worry less about all of the fundamental details and
12 the ins and outs, but you instead focus on the data
13 that you need and the way you need it in order to
14 be able to accomplish your purpose, and then we can
15 add all of these great ideas that we heard from the
16 panel this morning on how you get there.

17 So that's just one way we might approach
18 it, but keep it in mind. Thank you.

19 CHAIR BASHFORD: All right. I think
20 we'll now hear updates from the various working
21 groups.

22 So, Mr. Mason, you are providing --

1 MR. MASON: I am, but I believe --

2 BGEN SCHWENK: I believe someone told me
3 that I had to go first since I was just talking.

4 CHAIR BASHFORD: Okay.

5 BGEN SCHWENK: Okay.

6 CHAIR BASHFORD: Excellent.

7 BGEN SCHWENK: Here we go. So next
8 slide, please. All right. So let me just tell you
9 where the Case Review Working Group is and where it
10 thinks that it's going.

11 Last time we talked we told you that we
12 were gathering investigator files of penetrative
13 cases closed in 2017 with adult subjects who were
14 subject to the UCMJ, and we were going to try to go
15 through and extract data from which a criminologist
16 could conduct an analysis to determine if there
17 were any predictive factors from the data we
18 collected with decisions. And the decisions
19 basically are no action, prefer the charges, take
20 some kind of administrative action, do NJP, what
21 have you.

22 So that's what we started doing, and you

1 can see on the first -- on this slide that we have
2 done real well with the Air Force cases thus far,
3 we are starting on the Army cases, we have done
4 some Marine, some Navy, and so we're moving along.
5 But we've done over 300 cases already, and so we
6 have more to -- more on the docket.

7 Next slide, please.

8 Okay. That's from the staff. This is
9 from the members. As a double-check on the system,
10 in order for the seven members of the CRWG to
11 better appreciate exactly what we're talking about,
12 we have a random sampling that we are going to look
13 at, 115 cases. And the members have already done
14 60, so we have 55 more to go.

15 And I believe Dr. Spohn has agreed to do
16 those 60, and so --

17 (Laughter.)

18 BGEN SCHWENK: No, somebody did.

19 Okay. Next slide, please.

20 Okay. So this is a summary thing. The
21 no action taken, there were 1,300 cases of the
22 category I described, 400 preferred. The admin

1 action, the NJP, much smaller numbers, but we're
2 going to end up doing a total of 2,000 cases.

3 And for your information, the
4 anticipated completion dates are over on the right-
5 hand side, and we're driving for those dates so
6 that the criminologists that were -- the staff is
7 hiring for us and for the Data Working Group,
8 Chuck's group that he is working on, can use that
9 expertise to look at the numbers and see what
10 correlations there may or may not be.

11 That person hopefully will be -- I guess
12 "hope" is not a course of action, but hopefully in
13 a course of action he will -- he or she will be on
14 board in the next month or two and can spend the
15 summer, while we're still -- while we are still
16 generating data to populate the database, studying
17 the categories, the database categories, and
18 deciding what kind of analysis that criminologist
19 is going to want to do to help us look for
20 correlations.

21 And so if that happens, then -- and we
22 can get this populated, that will give him or her

1 time at the end of the year for a couple of months
2 to do the data crunching, provide it back to us,
3 and then that would give us a chance to come up
4 with our thoughts and present it to the DAC-IPAD at
5 the January meeting, so the DAC-IPAD could debate
6 it and decide what findings and recommendations, if
7 any, the DAC-IPAD wants to make in the March report
8 next year.

9 And then we'll stop doing investigative
10 files because we'll be tired of them by then.

11 Okay. Next slide, please.

12 Now, so besides doing that, the other
13 thing we thought we would bring to you at the end
14 are any issues we saw that we thought the DAC-IPAD
15 might want to consider to look at in more depth.

16 And so right -- these are off the cuff. These are
17 our first look. So it's entirely possible that
18 next January we will be sitting here and telling
19 you, "Remember those seven we told you about?
20 Forget all seven of them." Or you may hear more.

21 So let me just run through them, so that
22 you have them in the back of your mind, something

1 you can think about. Victim and subjects
2 experience adverse effects from lengthy
3 investigations. All right. Right now, we're
4 seeing investigations that -- and this is just up
5 to the initial disposition decision. I mean, the
6 decision is go further, and the delay is that much
7 longer. Four months, six months, eight months,
8 sometimes 10 months.

9 So there is no doubt the data is
10 showing, at least initially, those take a long time
11 to get to initial disposition decision. And we
12 have all heard from witnesses that have been in
13 here and in front of the CRWG, there is an adverse
14 effect on the victim having to wait this long, and
15 there is an adverse effect on the accused. Can't
16 get promoted, can't get this or that, waiting for
17 an outcome.

18 So that's one we'll look at and see if
19 we have data to support looking into that more,
20 too.

21 Influence of alleged victim's desire to
22 go forward on the command legal decision. Okay.

1 That's an issue that has been brought up. There is
2 a perception, you know, that that influence, it's
3 supposed to be an important factor, but it's not
4 supposed to be dispositive. Some people tend to
5 think it's dispositive.

6 In the sense of a victim who does not
7 want to cooperate, it may well be dispositive,
8 because there may be no case without the
9 cooperation. In the case of a victim that wants to
10 proceed, it should be an important factor for a
11 convening authority but not dispositive. If there
12 is a perception it's dispositive, we will look at
13 the data and see if there is a correlation there or
14 not.

15 Number three, prosecutor case analysis
16 and additional investigation is generally not
17 captured in command action documents. So we're
18 looking at the investigative file. We're going to
19 make an assessment based solely on the
20 investigative file of whether that initial
21 decision, whatever it is, is reasonable based on
22 that file.

1 Now, we know that there is stuff the
2 initial disposition authority considers that's not
3 in the investigative file -- a prosecutorial merits
4 memorandum, the input from the staff at the
5 command, who knows? Advice from a judge advocate.
6 We may sit down and talk about it.

7 So what we intend to do is go through
8 and make that assessment based solely on the
9 investigative file and on any cases we come up with
10 that several of us, because we'll look at any
11 unreasonable cases in our view, that several of us
12 will look at. If we have those, we'll go back to
13 the services and say, "Do you have anything more
14 that might explain the decision?" And they may
15 have something or they may not.

16 Okay. Number four, next slide.

17 Okay. Apparent inconsistency between
18 the judge advocate's probable cause determination
19 and command action submission. Okay. So the
20 investigators come in and say, "We're ready to take
21 fingerprints and make this person a subject of the
22 investigation. You, Mr. or Ms. Judge Advocate,

1 tell us whether there is probable cause."

2 And so they say there is probable cause;
3 go forth and investigate this case. And the
4 investigators continue, and they give it to the
5 commander and the commander makes a decision and
6 says no probable cause.

7 So, apparently, something happened in
8 there that was probable cause and disappeared or
9 has been overcome by events and there isn't. So we
10 are going to look at that and see if we can find
11 any data on that because that does happen.

12 Number five, lengthy delays between
13 final investigative ROI, command disposition
14 action, and investigative case closure. That's
15 not, as you might think, investigation finished,
16 here is my decision, and close the case. There are
17 big gaps in there, so we'll look at that.

18 Full investigation -- number six, full
19 investigation triggered by third party and command
20 required reporting. This is particularly the
21 instance where the victim does not want there to be
22 a case, but inadvertently tells somebody in the

1 command and so, therefore, cannot have a restricted
2 report anymore, or it tells a third party or third
3 party sees it or does -- and makes a report and the
4 victim goes "I don't want to do that."

5 We've heard from investigators and
6 commanders they wish there was a way to unring that
7 bell, and so we're going to look at the data to see
8 -- on that issue, see if there is any data that we
9 can present on that.

10 And the last thing, usefulness of
11 character interviews in case files. Many of the
12 members of the CRWG and the staff have commented
13 that they sure -- the investigators sure do a
14 terrific job of interviewing everybody who knows
15 either a victim or the subject, and they have
16 really great things to say about whether they're
17 good people, not good people, you know, really
18 smart, not so smart, whatever.

19 But it doesn't seem to be particularly
20 relevant to the elements of any offense that is
21 being investigated, but it does indicate a lot of
22 investigative time and effort. And so we're going

1 to look into that also.

2 There we are. That's it.

3 CHAIR BASHFORD: Thank you. Any
4 questions or comments from the committee members?

5 BGEN SCHWENK: I'm not taking any.

6 (Laughter.)

7 BGEN SCHWENK: But you all can have
8 them. That's okay.

9 CHAIR BASHFORD: If not, we'll go on to
10 the next report. Is that you, Mr. Mason?

11 MR. MASON: That is me, ma'am.

12 CHAIR BASHFORD: Okay.

13 MR. MASON: The Data Working Group would
14 like to provide just an update of where the data
15 project stands at this point. Previously, we
16 discussed the past RFI process that we have
17 participated in or utilized was developed by the
18 JPP, which we would send a request out to the
19 services, as well as SAPRO, asking for SAPRO to
20 cooperate with the services to provide information
21 that the services already provided to them, then
22 provide the information to us, and then we go out

1 and get the case files and add them to our
2 database.

3 At our last meeting, we told you about
4 the FY2017 data that we had requested, and the
5 SAPRO had declined to participate at that point
6 because they said the report was going to be coming
7 out in May, and they did not want to release
8 information from SAPRO to anybody until that report
9 was released for Congress.

10 So DAC-IPAD agreed to issue a new RFI,
11 which is for the FY17 data still, where we severed
12 any mention of SAPRO, and asked the services to
13 access their own internal databases and to provide
14 the cases that would meet our requirements.

15 We had a request that the case list be
16 presented to us on 26 February, and that we have
17 access to the cases 26 March. We received
18 responses from the services that they declined to
19 participate with RFI until after the SAPRO report
20 was released.

21 So even though the RFI did not reference
22 the SAPRO and we asked them to use their own

1 internal systems, they were unable to participate
2 until the SAPRO report comes out in May. Where
3 this is interesting with and what the working group
4 is concerned about is that we are not able to
5 access any data until at least seven months after
6 the end of the fiscal year.

7 So we're behind the eight ball in trying
8 to do analysis. By the time we actually get the
9 data, have it in our database, and start doing our
10 analysis, we're going to be a year behind. And
11 it's kind of hard to make recommendations to the
12 Secretary of Defense and back to the Hill when
13 we're using data that's outdated.

14 So where the working group has decided
15 to move forward is we will be coming back to the
16 DAC-IPAC in July to ask for a new RFI. We
17 anticipate we'll have the FY17 data at that point
18 because in May we'll have -- we'll have the
19 information coming in.

20 But for the FY18 data, we're going to
21 try to get ahead of the game at this point, and
22 we're going to be asking for an RFI that will

1 release in August asking for case files, the list,
2 immediately after the end of the fiscal year, and
3 then asking for access for those files in mid-
4 November, which will, if that holds true, if that
5 schedule is met, we will then be able to, in the
6 FY19 report next year, be able to at least have
7 FY18 demographic data like we did this year.

8 So we're going to try to get caught up
9 with the process, and that will get us closer to
10 what the Case Review Group is doing with cases that
11 are closed, because they are already accessing FY17
12 investigations that were closed. So we're behind
13 them. We're going to try to get caught up.

14 We don't know how that is going to play,
15 but that's where we're heading towards.

16 Another issue that has come up that we
17 are extremely proud of and wanted to share respects
18 data calls. In the last week, we've had two
19 different data calls that have come in. One was a
20 request from Capitol Hill, a House member, that was
21 interested in modifying the Uniform Code of
22 Military Justice, but they didn't have any data to

1 support what they were thinking of doing.

2 And they contacted us and we were
3 actually able to use the report that you just
4 published to provide all the data that they needed,
5 and they realized that it wasn't the right time to
6 introduce that type of legislation because the data
7 doesn't uphold what they were thinking.

8 So we have a product that works. The
9 second data call is even more fascinating. It came
10 from one of the services, and they were responding
11 to a data call from somebody on Capitol Hill, and
12 the service came to us and said, "It's easier for
13 you to give them the information than for us to do
14 it," because we are a document-based system and
15 they had asked for the documents related to 14
16 specific cases.

17 So what they were going to have to do
18 were find those 14 cases, take them apart, scan
19 them, create the PDFs, and then provide the
20 information to the member that was looking for it.
21 In two hours, we were able to pull those cases,
22 change the names on them so our case numbers

1 weren't attached to it, and provide it on a CD.

2 So you heard this morning about the
3 document-based system. It works, because we have
4 it and nobody else does. And our data system is
5 meeting the needs of our consumers, our customers,
6 and we're proud of that. And once we get this next
7 set of data, we're going to be able to do even
8 more, which takes us to the strategic planning
9 component of the Data Working Group.

10 We're going to continue the data project
11 as we have been doing for the remainder of this
12 year. By calendar year 2019, so the first meeting
13 in 2019, we should at that point have FY2012
14 through 2018 data in our system, with a higher
15 confidence level with the 2015 to 2018 data, since
16 we are able to collect more information and it's
17 more robust.

18 Based on that demographic overview, and
19 the multivariate analysis that our criminologists
20 that we're bringing on board is going to be able to
21 do, the Data Working Group will at that point be
22 able to hopefully identify emerging trends, not

1 actual trends because we only have, you know, a
2 four- or five-year block to work with, but maybe
3 something that is emerging that we can look at.

4 And the DAC-IPAD, in the beginning of
5 next year, will be coming back with more
6 recommendations on these emerging trends that we
7 may want to explore further, and maybe do
8 additional data calls or manipulation to see if
9 there is something that the DAC-IPAD would like to
10 focus on.

11 CHAIR BASHFORD: Mr. Mason, I am
12 assuming that the RFIs that were not complied with,
13 it was made clear that no data would be released in
14 advance of the SAPRO report?

15 MR. MASON: Yes. Yes, ma'am. It was
16 made clear -- clear they still responded with that
17 they want to wait until the report is released in
18 May. And we anticipate, based on their comments,
19 that right after that report is released we're
20 going to get information coming into us, and Stacy
21 and I will then start the retrieval process to get
22 it into the database.

1 CHAIR BASHFORD: But you've been
2 hampered by how many months?

3 MR. MASON: We originally asked for
4 January/February, so we're going to be five, six
5 months behind schedule.

6 BGEN SCHWENK: In talking to the
7 services and SAPRO about releasing that data
8 without it becoming public, did we talk to them
9 about marking it? I mean, they own the marking, so
10 they can mark it For Official Use Only, not to be
11 released until they tell us.

12 And then once it's marked like that, we
13 have to deal with it that way. So then we couldn't
14 release it to the public. I mean, that's the way
15 advisory committees deal with that kind of
16 information. And confidential, classified
17 information, same way. It gets marked. That's how
18 you deal with it.

19 So then if you have a meeting to discuss
20 it, it's a closed meeting. The public can't sit in
21 that part because we're going to discuss, in our
22 case, FOUO, For Official Use Only information. So

1 it doesn't leak out that way either. Can we talk
2 about doing that with them?

3 MR. MASON: We did not -- I did not
4 specifically participate in a conversation where we
5 mentioned marking it in that manner. We currently
6 mark every file that comes in as belonging to that
7 specific service, and then if anybody wants it
8 released, they have to go to that service to get
9 the information. We are not the release authority.

10 We just assured all the participants
11 that the information we are receiving, that we were
12 working towards analysis for the March 2019 report,
13 that there was no way we could do anything with it
14 that quickly, just because of the fact it has to
15 get into the database.

16 But I was not participating in -- I did
17 not participate in a conversation where we used
18 that specific language.

19 BGEN SCHWENK: That might be an
20 approach. I'm not -- I don't know what they'll
21 say, but --

22 COL WEIR: General, it's the same

1 information we've received before, so there is no
2 issue with how it's marked. It's just that the
3 services were told not to release the information,
4 and so we decided, as a staff, not to push back on
5 that decision and wait until the report was issued.
6 And that's -- and if -- we can obviously attack it
7 in a different manner with the chair's -- she's got
8 the ability to make those requests right to the
9 Secretary of Defense, so maybe that's how we do it
10 the next time.

11 BGEN SCHWENK: I'm not suggesting we
12 elevate it. I'm just suggesting that they may not
13 have thought of the fact that they could actually
14 mark it, and then that marking would be binding on
15 us, and it would be an additional safeguard.

16 Because I understand full well that
17 there is death to anybody in the Department that
18 releases that report before it gets to the
19 Congress. And so they are all worried then; should
20 be. But the markings, maybe not. I don't know if
21 it helps or not. Just an idea.

22 CHAIR BASHFORD: The chair is just

1 suggesting that we get the information in a timely
2 manner, in a way that's most useful to the
3 functioning of this committee.

4 Thanks, Mr. Mason. Sounds like you're
5 making great progress.

6 MR. MASON: Yes, ma'am. Thank you.

7 CHAIR BASHFORD: Policy Working Group?

8 CHIEF MCKINLEY: Yes, ma'am. The Policy
9 Working Group is currently focusing on two issues.
10 The first is making recommendations to the full
11 committee regarding the implementation of Article
12 140A UCMJ, and the second is examining expedited
13 transfer policies in order to complete the working
14 group's assessment of several specific issues that
15 we highlighted in the committee's report of March
16 2018.

17 In addition, the working group is still
18 interested in developing findings and
19 recommendations on the topic of training that
20 military commanders and non-commissioned officers
21 should receive in order to assist them in handling
22 sexual assault cases and related issues that arise

1 in their units.

2 We will take up these issues after
3 concluding our work on Article 140A and the
4 expedited transfer of programs.

5 The Policy Working Group held a meeting
6 yesterday, April 19, 2018, to develop a timeline
7 for reviewing each of these topics. Based on the
8 information provided to us in their written
9 materials received on Article 140A, and the
10 testimony that we hear today, the working group
11 would like to propose findings and recommendations
12 to the full committee at its July 2018 public
13 meeting with these five areas of focus.

14 The first is the definition of "case"
15 for the purposes of Article 140A, for example, when
16 does a case actually start?

17 Number two is specific issues related to
18 sexual assault cases that should be recorded in
19 Article 140A system, noting how the information
20 should be obtained. For example, identify specific
21 trends and outcomes of cases, conviction rate,
22 prosecution rate, et cetera.

1 Second is identifying administrative
2 data, expedited transfer requests, that should be
3 analyzed in the Article 140A system.

4 The third is recommending best practices
5 for sexual assault data collection.

6 The fourth is to identify the federal
7 reporting requirements that should be incorporated
8 into an Article 140A system.

9 And the fifth is to recommend whether
10 DoD should clarify the role that various DoD
11 databases that collect sexual assault case data --
12 for example, DIBRS and DSAID -- should have in
13 relation to the system development under Article
14 140A.

15 Under the expedited transfer program,
16 the Policy Working Group will hold a preparatory
17 session on May 24, 2018, to receive additional
18 information from DoD and the services on several of
19 the remaining expedited transfer topics that were
20 not resolved in the DAC-IPAD's March 2018 report.

21 We will hear testimony from DoD and
22 sexual assault prevention and response program

1 managers, special victims counsel, and victims
2 legal counsel program managers, DoD and sexual
3 assault response coordinators, service defense
4 counsel assistance program leadership, and service
5 military criminal investigation services on the
6 following issues.

7 First, whether the expedited transfer
8 option should be available to service members who
9 make restricted sexual assault reports.

10 Number two, expansion or clarification
11 of the approval standard and purpose of DOD's
12 expedited transfer program.

13 And the third is whether service members
14 who initially receive an intra-installation
15 expedited transfer policy are penalized if the
16 transfer does not resolve the problems and the
17 situation and they subsequently request a second
18 expedited transfer to leave the installation.

19 Should the term "expedited transfer" be
20 reserved only for moves to a different
21 installation?

22 That's all.

1 CHAIR BASHFORD: Comments? Okay. Thank
2 you very much. You've got your work cut out for
3 you for the next few weeks.

4 We're a little bit ahead of time. Do we
5 have our personnel for the 1:00?

6 MS. PETERS: Yes. We just need a moment
7 to set up the table here for the witnesses.

8 CHAIR BASHFORD: Okay. Great.

9 (Pause.)

10 CHAIR BASHFORD: Commander McKinley, did
11 you have other remarks on your --

12 CHIEF MCKINLEY: I do have a couple
13 more. Yes, ma'am.

14 CHAIR BASHFORD: While we're setting up,
15 you could --

16 CHIEF MCKINLEY: Okay.

17 CHAIR BASHFORD: -- continue on your --

18 CHIEF MCKINLEY: We actually had another
19 page. We have a lot of issues to work through.

20 BGEN SCHWENK: Can we have a vote on
21 whether we want to hear this or --

22 (Laughter.)

1 CHIEF MCKINLEY: Okay. We're looking
2 forward to it.

3 Issue number four, whether the expedited
4 transfer policy should be expanded to include
5 service members whose civilian spouses or children
6 are sexual assault victims, as they may face
7 exactly the same difficult situations at the
8 installation. And that's mostly with the FAP
9 program.

10 How often and under the circumstances is
11 the accused subject to the -- an expedited
12 transfer? How does this affect the investigation,
13 prosecution, and defense of the case? Whether
14 victims who lose the ability to make a restricted
15 report due to a third party reports or because they
16 were unaware of the consequences of reporting to a
17 member of their chain of command, should be able to
18 restrict their report and prevent further
19 disclosure or investigation of the incident if they
20 wish to protect their privacy.

21 That concludes it.

22 CHAIR BASHFORD: Thank you. I'm glad we

1 heard that.

2 I just want to point out that in my
3 remarks I thought I was being all military by going
4 140 Alpha, and I see Commander McKinley and General
5 Schwenk said 140A. So I just can't get it right.

6 (Laughter.)

7 BGEN SCHWENK: Alpha is probably
8 correct. If you're relying on the two of us --

9 (Laughter.)

10 CHAIR BASHFORD: If the speakers could
11 come on up? We are at your pleasure.

12 DR. BECK: Good afternoon.

13 CHAIR BASHFORD: Good afternoon.

14 DR. BECK: I'm Allen Beck. I'm the
15 senior statistical advisor at the Bureau of
16 Justice, Statistics, and Agency within the
17 Department of Justice. Okay. And I'm delighted to
18 be here. I am a last-minute fill-in, but that's
19 okay. It's my job.

20 I have been with the Bureau for 33
21 years, six presidents. I cannot count the number
22 of attorneys general, but I have been delighted to

1 work for all of our presidents and our leadership
2 over time.

3 I get involved in most things at the
4 Bureau related to development of information
5 systems, ensuring efficiency of design, addressing
6 data quality, ensuring the accuracy of the
7 estimates that are produced by our agency. I
8 review the reports, and so I am responsible for
9 ensuring that we meet our responsibilities.

10 I have been particularly involved with
11 issues on rape and sexual assault. Over the last
12 decade and a half, I have led the effort for
13 measuring rape and sexual assault in prisons and
14 jails across the country, as a result of the Prison
15 Rape Elimination Act, a very challenging Act for
16 us, its very specific data requirements, one of
17 which is to measure the incidence and prevalence of
18 rape and sexual assault, all forms of sexual
19 assault within facilities, to rank those
20 facilities, and identify facilities with the
21 highest rates, and those facilities are then
22 subject to call before a Prison Rape Review Panel

1 within the Department of Justice.

2 I'm sure you might guess that when you
3 do this work, you've got to get the numbers right
4 because there are consequences for everyone.

5 The work we've -- I'm also working on
6 related to measurement of rape and sexual assault
7 in the general population. We conduct the National
8 Crime Victimization Survey, and we have been
9 looking at our measures of rape and sexual assault
10 and trying to ensure that those measures provide a
11 full measure of the extent and nature of rape and
12 sexual assault within the general population. I've
13 been working on that for about five, six years.

14 So let me begin by saying that I think
15 you face the same issues that we face, and it has
16 to do with uniformity of definitions, it has to do
17 with basic counting rules, to ensure that the
18 counting rules represent those definitions.

19 Ultimately, you're trying to harmonize
20 data from diverse groups as we have, in the
21 civilian sector, we have about 18,000 law
22 enforcement agencies, 7,000-plus correctional

1 facilities across the nation, including adults and
2 juveniles, and many of them define things uniquely,
3 they embrace their uniqueness, and they have
4 different information systems, different capacities
5 to provide that information.

6 And our job is to make sense of all the
7 data, to harmonize the data as best we can, and to
8 ensure that what we count is comparable across
9 those reporting agencies. Not a small task.

10 And so as you build information systems,
11 you build them and you never stop. You have to be
12 diligent. You have to pay attention to all the
13 possibilities that you didn't anticipate, all the
14 nuances that fall out, having collected data and
15 analyzed them along the way.

16 But for me it has been a life's work,
17 and people who follow me will continue doing that
18 same work. We are a very diverse country, very
19 decentralized, and, as such, we have -- we value
20 independence of our law enforcement agencies. And
21 with that independence comes the complexity of
22 trying to measure and trying to make sense out of

1 what these agencies do and how they do it.

2 So I am certainly able to speak to any
3 questions you may wish. We certainly have fairly
4 deep experience measuring rape and sexual assault.
5 The information systems are based on reports of
6 victims, as well as collecting data
7 administratively from the agencies and offices
8 responsible for various parts of justice.

9 So you have, I believe in your packet,
10 a piece on the profile of intimate partner violence
11 cases in large urban counties. You also have the
12 National Crime Victimization Survey that calculates
13 and estimates the incidence and prevalence of
14 domestic violence and intimate partner violence.
15 Rape and sexual assault is a component of that.

16 We also work extensively in the area of
17 NIBRS and NIBRS conversion. We're trying to launch
18 a national crime -- criminal justice statistics
19 exchange to augment incomplete coverage that NIBRS
20 currently has. Currently, NIBRS is adopted by
21 about 5,900 law enforcement agencies. There are
22 over 18,000 of them nationwide, so we have quite a

1 gap. The FBI and BJS have worked together to try
2 to implement NIBRS and to develop the statistical
3 system to estimate crime by type and nature in the
4 absence of their coverage.

5 NIBRS would -- the summary UCR will
6 cease January 1, 2021, at which point the
7 recommendations, crime statistics, will rely on
8 NIBRS, and the work that we do for estimation
9 through the NCSX exchange.

10 And, finally, we have the Federal
11 Justice Statistics Program that integrates federal
12 data across reporting units, whether it be the U.S.
13 Marshals or the Administrative Office of the U.S.
14 Courts, Executive Offices of the -- of U.S.
15 Attorneys, BOP, Sentencing Commission, so we can
16 track a case from the initial investigation through
17 outcome, through sentencing.

18 So with that, I will stop and certainly
19 make myself available for questions from the panel.

20 CHAIR BASHFORD: You are gathering data
21 from so many different agencies with differing
22 definitions. What have you found works well for

1 collecting that, and what have you tried and found
2 did not work? If there is anything.

3 DR. BECK: Well, some of our work is
4 about leadership, and part of our mandate is to
5 provide a standard to those law enforcement agents
6 or to those correctional agencies and other
7 criminal justice agencies as to what the various
8 terms mean and how they should be measured and
9 reported.

10 The capacity to be in harmony with that
11 varies though oftentimes it takes real money, it
12 takes assistance, technical assistance, financial
13 assistance, to change from what the local
14 definitions or data system can do to what we ask
15 for. And so it's an iterative process.

16 Now, when it comes to NIBRS -- Incident-
17 Based Reporting System -- it started with the FBI
18 back around 1985 or late 1980s. There was a rush
19 of adoption that went on. The FBI provided
20 standards, provided training, and -- but NIBRS
21 stalled, and NIBRS stalled in large measure because
22 it costs money.

1 It was difficult for particularly large
2 law enforcement agencies to convert and meet those
3 standards, reporting that the FBI required. In
4 order to move away -- in order to more fully adopt
5 NIBRS, we developed a program to assist states,
6 state UCR programs, Uniform Crime Reporting
7 programs, to accept incident-based data, and we
8 have funded local law enforcement agencies, large,
9 medium, and small, to convert their incident-based
10 systems into a standard system.

11 So that technical assistance is as
12 important as the financial support, but both are
13 important. Conversion -- collection of data and
14 conversions of systems are not free.

15 Now, we can't possibly meet the demands
16 of everyone financially for that conversion. So
17 what is really important is demonstration of the
18 impact, demonstration of why the information is
19 better needed and how it can be used. Insofar as
20 you can link data and information to operations,
21 the more likely you are to get an embrace of data
22 collection.

1 CHAIR BASHFORD: I have another
2 question. The military I guess is both blessed and
3 cursed by having everything under one roof. And
4 one of the things I think that is -- that leaps out
5 to people is the what seems to be low percentage of
6 cases that move on from reports of investigations
7 to -- actually into charges being brought.

8 With the UCR, can you do a similar
9 analysis in the civilian work in sexual assault,
10 rape, of where -- how big the drop-off is from
11 reports to police to prosecutions?

12 DR. BECK: Well, we only have that
13 capacity at the federal system, not at the state
14 system in the bulk of crime, and the bulk of rape
15 and sexual assaults fall under state jurisdiction
16 and not federal jurisdiction.

17 What we have is snapshots of processing.
18 So the UCR provides the snapshot of the time that
19 the crime was reported or known to the police. And
20 we can track results and the closure of a case,
21 typically an arrest. It stops there.

22 And, unfortunately, the UCR for much of

1 its life has been a summary report. So all we can
2 get at is rape, kind of the high-level, more
3 serious form of sexual violence. It does not
4 capture many of the things that are injurious,
5 serious, but don't rise to the level of the formal
6 definition of "rape."

7 And so you get a snapshot at that level,
8 and then of course you have intervening decision-
9 makers, prosecutors, courts, ultimately
10 corrections. The challenge, of course, there is
11 separation of power, distinction between executive
12 branch and judicial branch, problems with
13 information systems, particularly in courts that
14 are not standardized.

15 Oftentimes, you know, judges value their
16 independence and worry about incursions on that
17 independence, if you will. The information systems
18 are not set up to be statistical in nature, and so
19 you have all of the challenges of trying to obtain
20 data from the ports. And prosecutors are even less
21 involved in the sense that they are not really set
22 up to provide an accounting of all of the cases

1 they touch and manners in which they dispose of
2 them.

3 So that intervening portion of the
4 criminal justice system, prosecutors and courts,
5 it's the least developed in the country. On the
6 back side, corrections is much more uniform, and we
7 are able to impose uniformity based on criminal
8 statutes, codes used by corrections, and can track
9 intake, as well as any -- the stock population and
10 the flow out of correctional supervision.

11 So it's the middle gap that is I think
12 missing in the civilian sector for the kinds of
13 things that you might envision.

14 CHAIR BASHFORD: What sort of a drop-off
15 do you see from reports to arrests? You can't
16 really tell what happens until afterwards, but do
17 you see a significant drop-off in reports to
18 arrests?

19 DR. BECK: Well, that's true. You also
20 see a significant drop-off between the experiences
21 of victims and the victims -- you know, the reports
22 to us, and notification of the police.

1 About half of the incidence of rape and
2 sexual assault in the calendar year actually get
3 reported to someone, to the police particularly.
4 So you see an initial drop-off right there.

5 There are approximately 10 million
6 persons arrested in the United States each year,
7 adults and juveniles, much more crime than arrests.
8 I don't know exact drop-off on rape, in terms of
9 reports of rape versus arrests for rape.

10 So I think we lack a real system for
11 tracking cases through the criminal justice
12 process. At one point, we had something called a
13 fender-based transaction system back in the '80s
14 when I first started. And we were tracking cases
15 from point -- arrest through prosecution through
16 courts.

17 And the real challenge was -- is the
18 deterioration of the data, as you went along that
19 path, the quality of the data dropped off, and at
20 the end you didn't quite know whether the
21 information was accurate or representative or not.

22 So we moved primarily over to an

1 emphasis on a series of snapshots, cross-sections
2 that we would have on a regular basis.

3 CHAIR BASHFORD: I'm going to suggest
4 that we hold questions for the service members
5 until we've heard from all of them. We're at your
6 disposal, however you choose to do it.

7 LTC COATS: Good afternoon, Madam Chair.
8 Thank you for the opportunity to speak about and
9 explain the Army military justice case management
10 systems and to discuss today the solutions going
11 forward to implement Article 140 Alpha.

12 The Army JAG Corps creates and executes
13 and manages military justice utilizing primarily
14 two applications, and I'll give a description of
15 each of those. First, the Military Justice Online,
16 or MJO, is a secure-based application developed to
17 provide general court-martial convening authorities
18 and special court-martial convening authorities, a
19 more effective, convenient, and standardized means
20 to create, record, track, and administer military
21 justice.

22 Military Justice Online serves three

1 purposes primarily: to create and produce
2 standardized documents and facilitate the
3 processing of five types of actions,
4 investigations, administrative separations,
5 military non-judicial punishment, and courts-
6 martial.

7 It also creates reports for pre-trial,
8 trial, post-trial phases of courts-martial within
9 a GCMCA's jurisdiction, to facilitate the
10 supervision and management of those cases. And it
11 produces statistical data for internal use in
12 identifying gaps and trends concerning the
13 execution of adverse administration actions in
14 military justice, as well as external requests for
15 information concerning it.

16 Users access military justice through a
17 secure JAG Corps portal using their CAC
18 credentials. So they have to log into that. And
19 without a JAG Corps portal username, you can't
20 access the Military Justice Online portal.

21 Access to the GCMCA profiles is
22 controlled by that legal office. A user is

1 assigned a specific role within the system, and so
2 they can either create actions in it or simply view
3 actions in it, create reports, or just view reports
4 in it.

5 The interface -- actions are created by
6 JAG Corps personnel at the special court-martial
7 level, so at the brigade level. Actions are
8 organized within the system by both the subject's
9 name and the type of action.

10 Once the user creates a new action and
11 selects what type of action is to be created, the
12 left side of the interface populates with the
13 various steps involved in that type of action. The
14 first screen the user must complete, which is
15 common to all types, has the basic data of the
16 accused. Then that basic data for the accused can
17 either be hand-typed into the system or it also has
18 the capability, which is mainly used, to pull from
19 our Army Human Resources database.

20 So there is no -- it pulls it in, so
21 there is no error in the data that goes into there.

22 The user enters information into the

1 numerous data fields in multiple ways, by using
2 drop-down menus, calendar, radio buttons, and then
3 free text.

4 Military justice -- sorry. Military
5 Justice Online builds an action in stages, so the
6 data screen for a later stage is not available
7 until the earlier stage entry screens are complete.
8 There are also mandatory fields distinguished to
9 the user, so that you can't move past that screen
10 or save that screen until the certain mandatory
11 fields are completed.

12 MJO has numerous memoranda and
13 Department of the Army and Department of Defense
14 form templates uploaded into the system. So, for
15 examples, users can generate the charge sheet or
16 the report or results of trial, and chain of
17 command recommendation transmittals all within MJO
18 if the information is uploaded into those data
19 fields.

20 This template capability facilitates the
21 consistency and uniformity across the Army. Once
22 documents are executed, the user can then upload

1 them as attachments into the MJO action. So a
2 charge sheet, for instance, you input the data
3 fields, so the charges that you want to prefer
4 against the individual, hit generate -- a generate
5 button, it generates the form.

6 You have some additional information
7 that you would need to input in that, and then to
8 execute the charge sheet, preferred charges, you
9 print it out, the commander prefers the charges,
10 and then the completed form you would then upload
11 as a PDF into the system.

12 Case management and report generation in
13 MJO. MJO also provides military justice
14 supervisors the capability to generate numerous
15 reports that aid in the effective and efficient
16 management of not only individual cases in each
17 stage of the court-martial but also the overall
18 workload and productivity within the office.

19 The MJO system has three report
20 capabilities. First, pre-trial and post-trial
21 reports. The purpose of these reports is to give
22 the military justice supervisor a snapshot of each

1 courts-martial in its respective stage, the time
2 period involved in the case, and the individual
3 prosecutor responsible for the case.

4 Supervisors use these reports to manage
5 prosecutor workload and direct resources to gain
6 attention. Pre-trial and post-trial reports are
7 generated in Microsoft Excel, making them easy to
8 filter and reorganize.

9 Second, MJO also has a number of other
10 management reports meant to display to the
11 supervisor efficiency and productivity across
12 military justice regarding all types of actions.
13 Supervisors can generate these reports based on a
14 jurisdiction, a time period, a type of action, a
15 type of offense, and a menu of other options.

16 Reports may be generated in Excel, Adobe
17 PDF, and HTML. If they are -- if they are
18 generated in HTML on the website, they are all
19 hyperlinked, so you can drill down into particular
20 actions.

21 And, thirdly, which has been recently
22 updated, is our custom reports capability where you

1 can go into the system and you can filter -- every
2 data field in the system you can filter by that
3 system to narrow it down.

4 So if I want to do a custom report on
5 just one particular article of the UCMJ, I can do
6 that, or over a certain period of time, I can do
7 that. And it allows you to generate that in an
8 Excel format and reorganize it how you'd like.

9 MJO is also the primary system for -- so
10 then it has also connectivity aspects to it, so MJO
11 also has a defense side, so documents by the
12 government. So preferral packet is served on the
13 defense through MJO. You simply click a button in
14 MJO, and it pops into the defense office's in box.
15 And so that's how they receive the preferral packet
16 items.

17 MJO also has connectivity with our human
18 resources command database. So now our Army human
19 resources command, anything that needs to be
20 permanently filed into a soldier's permanent file,
21 HRC, Human Resources Command, will only receive
22 through MJO. So it used to be email their inbox

1 with an attachment PDF. That no longer is the
2 case. It goes to them in a redacted form. The
3 government is responsible for redacting that as
4 necessary before it goes in there, and then they
5 accept it and it goes into their system in the
6 permanent file of that individual.

7 Lastly, for connectivity, currently we
8 are developing the capability, so our criminal
9 investigation, CID, agency has their ALERT system.
10 And I apologize, I don't know what alerts. I can't
11 recall what ALERT stands for, but that is their
12 criminal investigation database.

13 We're currently developing the
14 capability to share information between those
15 systems. So the ALERT system will be able to push
16 investigations, and we'll be able to input those
17 into MJO for initial -- initiation of an action.

18 And then as the action goes through
19 disposition, whatever the type of disposition is,
20 we'll be able to push the information back into the
21 -- for acceptance into the ALERT system, so they
22 can close out and they know how the case was

1 finally disposed of.

2 So that is -- that is MJO in a nutshell.
3 We've got approximately -- and this is a couple of
4 months old, but we've got approximately 2,700
5 active users. About 500,000 actions have been
6 completed in MJO. MJO has been around since 2008.
7 It initially had all of those types of actions
8 except courts-martial, and courts-martial actions
9 were added in 2011.

10 And we've had about -- since we have
11 been able to talk to our human resource command in
12 June of '15, we have submitted about 10,000
13 documents for permanent filing through that
14 connectivity.

15 The second system is our Army Courts-
16 Martial Information System, or ACMIS. ACMIS is a
17 secure web-based case management tool developed to
18 give the Army Court of Criminal Appeals and trial
19 judges the ability to monitor, track, and document
20 every step required to maintain official court-
21 martial case reports, or CMCRs.

22 It monitors that from trial terminations

1 through the appellate review to final action.
2 Trial judges create a CMCR in the ATMIS system for
3 every general and special courts-martial that has
4 had arraignment. Petitions for extraordinary
5 relief under the All Writs Act are also captured in
6 ACMIS.

7 ACMIS has the capability to generate
8 reports designed for tracking case progression and
9 workload management within ACA, as well as reports
10 designed for external requesters, such as JAG Corps
11 leadership, Congress, or requests under FOIA.

12 CMCRs are created by the trial judge
13 after trial completion, and they are submitted to
14 ACA for approval within ACMIS. Once the CMCR is
15 approved by the Clerk of Courts, a case number is
16 generated and the case is populated with data from
17 that CMCR.

18 As the case progresses through the post-
19 trial and appellate review, data relevant to each
20 section is captured. Data such as the convening
21 authority's action, panel referral, decisions by
22 ACA, the Court of Appeals for the Armed Forces, and

1 Supreme Court, if any, are also captured.

2 Although ACMIS is not used for document
3 generation, numerous post-trial and appellate
4 documents are stored within it, documents such as
5 the promulgation order, promulgating order, briefs
6 and motions, court orders, and decisions are
7 uploaded to the relevant sections within ACMIS.

8 After appellate review has been
9 completed, data related to the final processing of
10 a court-martial is captured, including the final
11 order or DD-214, closing of the case, and eventual
12 retirement to Suitland, Maryland, of the record of
13 trial for storage.

14 ACMIS contains numerous pre-built
15 reports designed mainly for internal use that
16 provide ACA with the capability to track general
17 courts-martial and special courts-martial as they
18 progress through post-trial and appellate review,
19 allowing effective workload management.

20 These reports can be generated in either
21 Excel or PDF. In addition to the pre-built
22 reports, ACMIS contains a very robust database

1 engine which allows for the generation of complex
2 statistical reports on any of the over 300 data
3 fields it contains for requesters such as the DA
4 and Congress.

5 So that's a snapshot of both MJO and
6 ACMIS. In addition to those two systems, we also
7 have an e-docket that is public facing for our
8 trial judiciary, and so you can go to that
9 calendar, and it's sortable by the jurisdiction or
10 by the judge or by a case name, and you can find
11 what is docketed for that case.

12 It gives you the parties involved as
13 well as what type of hearing is going to be
14 scheduled. That is public facing, although because
15 of security and firewall issues it hasn't been
16 publicly available recently, but we're working to
17 correct that.

18 And then, lastly, we also have a monthly
19 results of court-martial report that we publish and
20 is publicly available. So also through the
21 Military Justice Online application, each
22 jurisdiction, upon completion of a court-martial,

1 submits a statement of the result of that trial.

2 So it includes the convicted
3 individual's name, the location of the court-
4 martial, the type of court-martial, the plea and
5 form of that court-martial, as well as what they
6 were charged with, what they were convicted of and
7 acquitted of, the sentence, and any effect the plea
8 agreement had on that.

9 We get those individually in my office
10 every month, and we generate a report that covers
11 the Army -- Army-wide, and then by the end of the
12 following month -- for processing purposes, by the
13 end of the following month, that report is
14 published on a publicly available website.

15 And with that, subject to your
16 questions.

17 CHAIR BASHFORD: We're going to hold our
18 questions until we've heard from all services.

19 Are we going to the Navy next?

20 CAPT LUKEN: I believe so. Madam Chair,
21 distinguished panel members, fortunately or
22 unfortunately for you, I left my talking points on

1 the printer at the office, so I will speak from the
2 heart.

3 (Laughter.)

4 CAPT LUKEN: So I've been in this
5 organization for over 18 years. I've had Time
6 Matters, I've had HELM, I've had HELM 1, I've had
7 HELM 2, I've had Compass. I've had Access
8 database. I've had SIPTAS. I've had CMS, and I
9 have what may become, before I leave, NJIS.

10 We have gone through a plethora of
11 different data type tracking within the Navy's
12 court-martial system. Unfortunately, much of it
13 has been focused on data entry and pulling or bean-
14 counting, as many of the trial counsel refer to it
15 as, affectionately, of course.

16 What needs to happen is that whatever
17 systems we have in tracking it needs to be user-
18 focused, because that way the individuals find
19 value in inputting the information that we
20 ultimately need in order for them to manage their
21 cases.

22 We currently use the CMS, case

1 management system. I always stress to my
2 leadership management is a case manager, not a case
3 tracker. We need to focus on the lieutenant who is
4 down in the trenches trying to move their cases
5 along.

6 So whatever information they are putting
7 in, and whatever it is that they find valuable to
8 put in, required to, we then plop them backside
9 without them really having to see it. But their
10 focus is moving their case and adding value to what
11 they are doing in their prosecutions.

12 So, in 2013, the gentleman sitting next
13 to me and his crew of Marines showed us CMS when I
14 was down in Norfolk, Virginia. We were at the Beta
15 site down in Norfolk, Virginia, found value in
16 being able to track our cases and manage our cases
17 and found value for -- at the user level, as well
18 as for the senior trial counsel, to track their
19 cases.

20 Today we -- when I came on board as
21 director of TCAP, I wanted to shift the focus. I
22 heard NJIS was coming on board, supposed to be

1 coming on board, and I was concerned because I
2 heard that the focus of that was to not lose a
3 case. I said, "We need to focus on the users."

4 Again, over the last two years, we have
5 managed to find different ways to tweak CMS, so it
6 gets value to the users.

7 So, for instance, now we can generate
8 reports that shows how long a case has been on
9 board, how long since we were notified to the point
10 where we got a substantive ROI for results of an
11 interview or, excuse me, report from NCIS, to the
12 point of once it's actually on board for us, how
13 long has it taken us to get the recommendation to
14 the command? How long has the command had it since
15 we gave them that recommendation? And, ultimately,
16 now how long has it taken them from -- taken the
17 preferral to 32 to general court-martial to trial?

18 That is benefit at the higher level, so
19 I can oversee it -- look and see where there's
20 common treads. I can see where there is manning
21 issues, who is carrying what type of cases, where
22 it's -- cases may be stuck.

1 For instance, if I see it has taken one
2 office, let's say, 120 days to develop the
3 recommendation to the -- to convening authorities,
4 I know we have an issue. At that point, we can
5 reach down, either add a search capability to that
6 command or find out maybe their processes are
7 broken and we need to fix that.

8 So we set aspirational goals, so that
9 the senior trial counsel in that office can try to
10 meet those aspirational goals. I have found that
11 competition is a good thing. When you put up a
12 track of who is doing what, where the average
13 overall, over their organization, those above the
14 track want to get below the track, and that
15 pressurized system for us to do better and profit
16 -- make better processes.

17 So our -- taking it at a different
18 level, so you have higher level, which is managing
19 from a top, being the backstop. For instance, each
20 week I received a report dealing with speedy trial.
21 I can look across the enterprise and just see if
22 there is any cases that are coming close for us --

1 too close to that 100 -- magic 120-day clock.

2 So I can pick up the phone and call the
3 senior trial counsel and go, "What's going on with
4 that case U.S. v. Luken? What are you guys doing
5 with that? Oh. There's excludable delay. No,
6 there's not."

7 "Yes, there is."

8 "It's not in CMS. Get it in there."

9 So that pressurizes the system as well.
10 I can look at trends, like I said, use it for my
11 Article 6 purposes. Taken one step down, now
12 senior trial counsel can look and figure out who --
13 what level their docket is, the complexity of the
14 case, and the number of cases each individual has.

15 If that fine lieutenant comes in, we --
16 and says, "Can I have liberty for the weekend or
17 for the next few days," they pull the report, look
18 at their prosecution merit memos and say, "Wait a
19 minute. You have four that are over 100 days. You
20 can have liberty or leave when you knock those
21 out." And so that is a tool for them to be able to
22 use at the senior trial counsel level.

1 Now, down at the trial counsel level, we
2 have managed to get it so that, for instance, VWAP,
3 we have our VWAP -- rather than them having to do
4 it on paper all the time --

5 BGEN SCHWENK: VWAP is Victim Witness --

6 CAPT LUKEN: Witness Assistance Program.

7 BGEN SCHWENK: -- Assistance Program.

8 CAPT LUKEN: Yes, sir. Thank you. So
9 Victim Witness Assistance Program. So rather than
10 have to fill out your checklist there, as you're
11 doing your interview or you're handing over your DD
12 Form 2701, 2702, 2703. It's right there, and
13 you're able to put it right into the system
14 automatically.

15 So it frees up time and labor and
16 measures so that we're capturing the fact that we
17 had completed VWAP.

18 The nice thing about CMS is it stays
19 with the case. When does the case start? The case
20 starts when we get first notified. As soon as
21 we're notified by NCIS or by the command that they
22 have a case that they want reviewed, the command

1 wants reviewed, but NCIS lets us know about sexual
2 assault cases, it automatically goes in -- the
3 accused's name and the data information we have.

4 The business rule we have set up is if
5 a regional legal service office or RLSO, which is
6 our prosecution office, if we give advice on any
7 case to recommend it for prosecution, it must be in
8 CMS, to show that we officially gave advice on that
9 case.

10 So every single case that comes in, even
11 if an NCIS agent calls us and says, "I'm not really
12 sure this is a crime. What do you think?" If we
13 speak to that, that case goes into CMS, we're able
14 to track it, and later on refer back to it before
15 we're asked about that particular case.

16 When initial case comes in, it goes into
17 CMS, we fill out as much data as we can, senior
18 trial counsel then assigns it to a counsel, counsel
19 then is responsible for keeping track and providing
20 updates, put in the chronology, and then inputting
21 the various bullets -- excuse me, the different
22 tables and different checkboxes, if you will,

1 throughout.

2 There are several different tabs within
3 CMS. There is the accused's section, the case
4 section. There is also a section dealing with
5 VWAP, Victim Witness Assistance Program, charges,
6 post-trial processing as well.

7 There is also a section not only for
8 just the trial counsel, there is a section for the
9 court reporter, so they can track their post-trial,
10 there is also a section for the NMCCA, our
11 appellate courts, and so the case flows throughout
12 the -- throughout the entire time.

13 The benefits of CMS -- obviously, we are
14 able to track cases, manage cases a little bit
15 better and also upload documents that would pertain
16 to that case.

17 When I was a lieutenant prosecutor, we
18 would get those calls "Tell me about this case that
19 you did seven months ago." I go digging into the
20 files, and I have to try to figure out what
21 happened.

22 We recently had a case that got a little

1 more visibility than we would have liked, and the
2 initial reaction was look how long it took us to
3 move this case. That's why the victim didn't want
4 to continue.

5 I was able to go within 10 minutes into
6 CMS where I was, look at the chronology, look at
7 the history, and look at the notes and come back
8 and go "Actually, this is what happened. Give it
9 to leadership, so we can answer that question
10 quicker."

11 That used to take us 24 hours, 48 hours.
12 When we'd get the questions such as "How many cases
13 did you prosecute that were 120 that went to 120
14 pre-trial agreement in the South Pacific Region on
15 a Tuesday?" I can now at least do most of that
16 from the headquarters as opposed to shutting down
17 the shops and going back and trying to get that
18 data call.

19 The concerns we have to be careful about
20 is when we receive these inquiries or data calls,
21 that we start adding more and more and more to CMS,
22 and so the person in there trying to fill every

1 single block, it takes their time and it's
2 important for us to make sure that they are getting
3 value.

4 So the questions are: are they nice to
5 know, or are they need to know? We track the need
6 to know, and what needs to be done in order to
7 prosecute cases.

8 I provided a few snapshots of what the
9 CMS -- I lost my track. A few screenshots.
10 Screenshots. I'm not a techie, as you can tell.
11 A few screenshots for your consideration, which is
12 in the back of the packets, 9 through 12, that
13 provide -- show you all of the -- I said that to
14 you -- I brought your attention to number 11, which
15 is the VWAP.

16 Just think of the sheer volume of boxes,
17 and that's what we're always trying to be careful
18 of. I now take the position of, if you want to add
19 something, what are you taking out of there? So
20 that way I make sure that the CMS inputs don't get
21 too large.

22 As for reports, I draw your attention to

1 page 13. This is what our active case looks like,
2 and this is for -- so you'll have it broken out by
3 cases pending investigation, so these are the cases
4 that the NCIS agent just notified us about, and
5 that they are -- the senior trial counsel is able
6 to track.

7 We then staff -- once the case has been
8 provided for recommendation, or, excuse me, once we
9 receive the substantive ROI on board, the case then
10 goes on board and now it's on our clock.

11 MS. PETERS: Excuse me. Captain Luken,
12 if I may, I want to make sure that the panel is
13 aware or the committee is aware of the information.
14 Staff should have already forwarded it in your --
15 in your day-of folders on the left-hand side are
16 these slide materials, and there are two packets.

17 The first one he is referring to is sort
18 of a horizontal view of slide and it says types of
19 reports on the first page, and I know that
20 following our speaker, it started on -- I think it
21 has been highlighted starting on slide page 11. I
22 think these are back-to-back pages, so you can flip

1 around. But I know that this information is
2 prepared for you today.

3 I want to make sure we orient you to
4 what you have to reference from what he has talked
5 about.

6 CAPT LUKEN: Awesome. Thank you.

7 So what -- to show how they matured a
8 little bit, for instance, when I first came in many
9 years ago, I would see things about how CMS wasn't
10 helping us manage the case.

11 We made changes to these reports, so,
12 for instance, now on the active cases for -- on
13 page 13, cases pending investigation, we have a
14 timeclock there that shows me, hey, we first
15 received a case on, say, December 8, 2017, and
16 since we have received that notice it has been 128
17 days.

18 That now gives us a marker, for
19 instance, if we're at 120 days, it's time to pick
20 up the phone and go, "Is there any updates? What
21 are we doing?" And so we're able to also try to
22 push the investigator or law enforcement side of

1 it.

2 Once we then get the case on board, and
3 we're at the recommendation, then we can track how
4 many days it has been on board. And within these
5 reports, it's used in order to manage their people,
6 if you will.

7 If I may -- I'm going backwards, because
8 I'm all over the place, of course. If I can draw
9 your attention to page 5. This is a slide I use
10 when I'm speaking with commanding officers. And
11 page 5 is the manning on this one.

12 So this slide tells you basically when
13 you're looking at trends over time, so June -- or
14 May 2015 we were getting roughly 700 cases on
15 board. I was able to show our leadership that by
16 March -- within a year later, approximately, we had
17 increased another 27 percent of cases that were
18 coming on board. That's important for us to
19 remember when we're dealing with the same manning
20 situations at each of the offices.

21 So something has to give at some point
22 or somewhere, so we focus on processes, because if

1 you could have better processes you can then manage
2 more cases and move cases along. So that's how
3 we're able to use CMS at -- more on the leadership
4 side.

5 Going to page 6, for instance, this
6 gives us a month by month how many cases we have on
7 board at each of the offices. The two red lines
8 over to the right side shows you within trends --
9 those were the high points in 2015.

10 Here we are in 2017, and you can see
11 we've obviously pushed these cases up to a point
12 where it's 10, 15, 20 percent of our cases. A 20
13 percent increase is significant in each office
14 because you're dealing with manning constraints.

15 And, finally, I've brought your
16 attention to the other page, page 7, which I can
17 look at metrics by stage -- stages -- last year we
18 were up -- identified that we were probably taking
19 too long to get the recommendations to the command.
20 Not probably; we were.

21 So what was causing that? Part of that
22 was garbage in, garbage out. What was the

1 information that was going into the CMS? It was
2 working out right. They were getting bad metrics.
3 So we had to focus that over the last year.

4 As you can see, we were at 80 days.
5 We're now down probably -- I know I've put a big
6 old flash in front of you, but I did that
7 purposely. From 80, we got it down to where we're
8 tracking at 60.

9 What's nice about this tracking is I can
10 look at all of those above 60 and go, what's going
11 on? What's wrong? And a lot of times it's just
12 basically people factor in the wrong numbers.

13 So, overall, CMS has been a great
14 utilization for us. It has been very helpful for
15 us. We need improvements, though. The areas we
16 improve it -- much how the Army has done, which I
17 am impressed with, is having that document
18 integration.

19 So as soon as I type in the accused's
20 name, whatever document I print out, the accused's
21 name is on there automatically. I don't have to
22 fill it in 13 different times, not that we do that

1 in CMS now.

2 And just the idea is that when law
3 enforcement inputs the information at the cradle
4 point, and it shifts over to the prosecution side,
5 that information is already in there. We don't
6 have to refill it out, which would include reports,
7 so we can ultimately transition that into discovery
8 and move that on.

9 Then it goes into the post-trial and
10 obviously to DIBRS, so that cradle to grave would
11 be outstanding. Again, we need to -- I highly
12 encourage/recommend -- we've got to keep the user
13 interface and the user in mind when we're
14 developing these systems. And having lawyers
15 develop the systems, there's a reason I went to law
16 school and I didn't go to computer school.

17 And I think sometimes we lose that and
18 we try to get the lawyers to develop it, or,
19 unfortunately, sometimes we get contractors who
20 don't know the military justice system. And ours
21 is so unique between convening authorities and
22 actions and non-judicial punishment versus special

1 court-martial, we need to integrate that too as
2 well as we develop these systems.

3 So I've taken up enough of your time.
4 Subject to your questions, I'll stand by.

5 CHAIR BASHFORD: We'll hold them until
6 the end.

7 CAPT LUKEN: Thank you.

8 CHAIR BASHFORD: Major Schweig.

9 MAJ SCHWEIG: Good afternoon, members of
10 the committee. So I'm Major Jessie Schweig. I am
11 the director of Marine Corps TCAP. But in true
12 Marine Corps fashion, I am also the IT Department
13 for Judge Advocate Division. So I build and
14 maintain the Marine Corps' legal hub. I develop
15 the database. I am sort of an amateur coder. And
16 as the exception that proves the unequivocal truth
17 of what Captain Luken just said, I did go to
18 computer school and I now simply happen to be a
19 lawyer.

20 But I approach these problems from the
21 perspective of someone that would have to both
22 build code and maintain whatever system were to be

1 developed.

2 And since the Marine Corps and the Navy
3 use the same underlying case management system, I
4 will simply say ditto to everything that he just
5 said. The one thing I will add is that the Marine
6 Corps recently transitioned from version 1 of our
7 prosecution merits memorandum to version 2 now
8 known as the case analysis memo. That distinction
9 is important because we have applied a more
10 rigorous framework for our special victim
11 prosecutors to analyze a case.

12 The special victim prosecutor will now
13 give advice to the convening authority for all
14 sexual assault cases in a two-step format. First,
15 the special victim prosecutor will let the
16 convening authority know whether there is or is not
17 probable cause. And, obviously, if there is no
18 probable cause, then the case is effectively -- is
19 done.

20 However, if there is probable cause,
21 that special victim prosecutor will go on to state
22 whether there is a serious evidentiary defect that

1 would preclude prosecution, suppression being the
2 most obvious.

3 The other option that the prosecutor can
4 select is whether or not there is a lack of victim
5 participation, which would render prosecution
6 either inadvisable or perhaps impossible, depending
7 on the situation.

8 Obviously, if you're out in Okinawa, you
9 may not even be able to subpoena the victim to
10 attend the court-martial.

11 Option 3 is if prosecution -- if there
12 is probable cause but prosecution is, nonetheless,
13 inadvisable because of one of the enumerated
14 factors listed in Appendix 2.1 of the Military
15 Justice Act of 2016.

16 And then option 4, of course, there is
17 probable cause and prosecution is advisable based
18 on an analysis of the factors included in Appendix
19 2.1. So I wanted to get that out there just to
20 point out that we have transitioned and we are now
21 applying a more structured and rigorous analysis to
22 whether we proceed or withdraw in certain sexual

1 assault cases.

2 And that, in my opinion, is somewhat
3 uninteresting. What I do find interesting is
4 Nicolaus Copernicus. And so I bring that to your
5 attention because I think it was somewhere in the
6 early 16th century, 1506 or something -- somebody
7 can fact-check me on that -- but Copernicus made
8 the somewhat astounding observation at the time
9 that, you know, the sun does not revolve around the
10 Earth, but the Earth revolves around the sun.

11 And the importance of that analogy to
12 this discussion is that there are really two ways
13 to develop the sort of data system that everybody
14 wants. One of those ways involves the methodology
15 that you heard from -- took testimony on this
16 morning, which is really a headquarters-centric
17 top-down data system, where everything occurs and
18 then someone else collects the underlying documents
19 and induces a data set from those documents for
20 data analysis.

21 That is a way to do it. It is not an
22 efficient way to do it. It is a difficult way to

1 do it. And if you want to perform more in-depth
2 data analysis, you have to revamp your procedures.
3 The other way to do it is the way modern data
4 systems work -- something like anything you
5 currently have on your cell phone, any application
6 you have. It gives you a tool.

7 When you use that tool, whoever created
8 the tool simply derives the data they want from
9 your use of the tool, and then they use that data
10 for any purpose they see fit. That's kind of a
11 modern user-centric bottom-up data system.

12 And in my opinion, that is the only way
13 this problem will ever be solved. You will either
14 find a way to give everyone involved in the process
15 the set of digital tools they need to do their job,
16 or if you've done that, you can deduce whatever
17 data set you want. You can make any sort of
18 calculation you want, provided they have
19 accomplished their task within your data system.

20 And then you don't really care what
21 permutation of RFI you receive because you -- you
22 know, just by virtue of the fact that they've done

1 the work in the system, you will have that
2 information on hand. Not necessarily.

3 And so I'm going to hold my remarks
4 there, but I think it would be very interesting for
5 the committee to entertain something that was not
6 an example of a top-down data system, but something
7 that was an example of a bottom-up data system.

8 And I -- I don't think that that can be found, or
9 at least I've never heard of it, in any sort of
10 justice type of system.

11 I think the answer to that is going to
12 be found, honestly, in someone who creates
13 applications for cell phones, and sort of how do
14 you do that, and how do you get the person to do
15 their task, and then you kind of steal the data you
16 want.

17 CHAIR BASHFORD: Major Horton?

18 MAJ HORTON: So my boss doesn't really
19 trust me to go off the cuff, but I did prepare some
20 remarks. I've written them down to make sure I'm
21 --

22 CHAIR BASHFORD: And brought them back

1 from the printer.

2 MAJ HORTON: So good afternoon. I want
3 to thank the committee. Like everyone else, I'm
4 happy for the opportunity to speak with you. My
5 name is Major Noel Horton. I'm currently serving
6 as the executive officer for the Air Force
7 Judiciary over at Joint Base Andrews. Prior to
8 that, I served for two years in the Military
9 Justice Division, which is collocated with the
10 Judiciary at Andrews -- at Joint Base Andrews.

11 Now, before that, I served for about
12 four years at various legal offices, three legal
13 offices, one in a deployed environment doing all
14 sorts of matters there, including administration of
15 military justice.

16 Prior to that, in a prior life, I
17 actually had time as a communications officer where
18 one of my jobs that I had as a communications
19 officer was OIC of the Network Control Center where
20 I was responsible for the administration of network
21 operations, network administration for an
22 installation. Specifically, in my case, I already

1 have -- but enough about me. You don't care about
2 me, so what about -- what about what we do? So --

3 BGEN SCHWENK: We do care.

4 MAJ HORTON: Oh.

5 (Laughter.)

6 BGEN SCHWENK: We don't care about Major
7 Schweig at all, though.

8 (Laughter.)

9 MAJ HORTON: As a judge advocate, and
10 specifically in my time here at Andrews, I have
11 become intimately familiar with the Air Force's
12 system, military justice tracking system, and the
13 case management system, Automated Military Justice
14 Analysis and Management System, or AMJAMS as I'm
15 going to continue to refer to it, and that's how we
16 refer to it in the JAG Corps.

17 So AMJAMS collects data during all
18 stages of military justice actions on offenses,
19 procedural matters, and processing timelines, as
20 well as information on the participants,
21 investigatory, court-martial, appellate, and non-
22 judicial punishment processes. It's an essential

1 tool for advising commanders and leaders on the
2 status of discipline and the timely processing of
3 cases, which are key components of readiness.

4 The reports and information from AMJAMS
5 provide effective management and analysis tools for
6 use by practitioners at installations as well as at
7 headquarters, major commands, the judiciary, and
8 then the appellate divisions. AMJAMS supports
9 efforts to eliminate or highlight excessive
10 processing delays and provides the capability to
11 monitor the current status of our military justice
12 actions beginning from the investigation stage,
13 working all the way through the appellate process.

14 Now, AMJAMS is a relational database.
15 It's sequel-based, and it's managed and
16 administered kind of jointly by the Military
17 Justice Division at Andrews, and then the technical
18 aspects, IT aspects of the -- of the system are
19 managed actually by the Legal Services Directorate,
20 which is at Maxwell Air Force Base in Alabama.

21 The system is accessed similar to what
22 Lieutenant Colonel Coats briefed about his system

1 as a web-based secure interface. It's CAC-enabled,
2 and it's a closed system and it's limited -- access
3 only to JAG Corps personnel. So trained judge
4 advocates and trained paralegals responsible for
5 administration of military justice cases.

6 Data entry is predominantly done at the
7 field level, so at our lean legal office level,
8 similar, again, to the court system and the other
9 systems you've heard about. That being said, the
10 regional headquarters, the numbered Air Force legal
11 staff, the MAJCOM legal staff, and headquarters
12 staff has the ability, of course, to look in and do
13 data entry, to validate, to administer corrections
14 as needed.

15 Now, system functionality of course has
16 improved over the years with certain modules being
17 added over time, probably the most recent being an
18 appellate module to ensure continued tracking
19 through the appellate process of the case, and
20 including when -- those rare cases when a case gets
21 returned for retrial and hearing.

22 The system currently does not have -- it

1 does not serve as a repository for completed cases.
2 It does have a functionality of form generation to
3 create the documents, but it doesn't serve as the
4 final repository, though I will say that there are
5 discussions now within the Air Force of adding that
6 functionality, similar to our sister services.

7 And, in short, AMJAMS has great utility
8 in sort of a dual way. Really, the first way
9 predominantly as a case management system for the
10 field for the very purpose -- and I won't echo
11 everything you've already heard about its utility
12 for the field and making sure that cases are
13 shepherded and processed in a timely, efficient
14 manner certainly within justice.

15 But also, of course, as a headquarters,
16 whether that be a regional headquarters or a
17 central headquarters, be a function of analyzing
18 trends, analyzing data, and analyzing caseload, and
19 making inquiries or making changes or looking
20 deeper into cases at -- or making manning or --
21 manning or training recommendations based on what
22 they see.

1 And also, of course, it says in
2 responding to internal or external employees we get
3 at headquarters.

4 I could go on. I know you've been
5 provided some materials. I think it's in Tab 9.
6 Recently, the Air Force introduced certain -- in
7 its update to the JPP RFI produced some information
8 about our system which includes some clever
9 screenshots that might be helpful to -- similar to
10 what Captain Luken provided you.

11 So I really would like or really would
12 recommend that you take a look at those, so you get
13 an idea of some of the forms and some of the
14 reports and some of the queries that AMJAMS can
15 produce, both for headquarters and for the field.

16 Some things I would like to add, in
17 light of some of the things I have heard, it also
18 has the ability, similar to the Army, of pushing
19 data into a public docket, that's a public facing
20 docket, publicly accessible but not required. CAC
21 access or military account access.

22 It's a pool of information. It's not a

1 two-way communication, so it just takes information
2 and depicts it in a fairly easy-to-understand way
3 as far as what cases we have pending with the
4 court.

5 Similarly, recently, I believe it was in
6 2015 there was a functionality added to
7 automatically pull the results of trial. So you
8 get a summary in kind of a similar format as the
9 docket of what all of the results of trial are.

10 And similarly, also, to the Army -- they
11 also produce a monthly summary of court-martial
12 results.

13 But I know your time is limited, so I'll
14 just stop there and I'll entertain any questions
15 you may have. And I, again, want to thank you for
16 the opportunity to speak with you today.

17 CHAIR BASHFORD: Mr. McCleary.

18 MR. McCLEARY: Good afternoon Madam
19 Chair and members of the Committee.

20 CHAIR BASHFORD: Good afternoon.

21 MR. McCLEARY: It's always great to go
22 last.

1 (Laughter)

2 CHAIR BASHFORD: You could have went
3 first. You told me last.

4 (Laughter)

5 MR. McCLEARY: I wanted to break my
6 remarks up into two pieces. One is a very brief
7 summary of the two systems that we use to track our
8 cases.

9 And then I wanted to offer some
10 information related to some work that the Coast
11 Guard has done concerning Article 140a, and the
12 electronic case management aspect of Article 140a.

13 And I think it relates to what you've
14 heard this morning. And I think you'll find it
15 useful.

16 The Coast Guard legal program uses a
17 commercial off the shelf program called Law Manager
18 that we first acquired in 2000. And that we have
19 been using ever since.

20 And it's tasked that the legal program
21 uses primarily to track our cases. It is capable
22 of tracking cases from the inception of the

1 investigation. Although it is more common that we
2 open cases in Law Manager when there's referral of
3 charges.

4 The Coast Guard investigative service,
5 and I have with me Ms. Stephanie McFarland, who
6 works with CGIS. And works a lot with FAP in case
7 there are some specific questions about that.

8 Since they have to be brought into any
9 sexual assault case, FAP is the system that CGIS
10 uses to actually do their investigative work and
11 generate their reports from it. Although they have
12 only had FAP use since December 2014, I believe.

13 So, that's a quick summary of the Coast
14 Guard system. The other information that I wanted
15 to pass to you is that about a year ago we started
16 looking into the potential for using an electronic
17 case management system for the court martial system
18 in the Coast Guard.

19 There are a couple of reasons for that.
20 One was Article 140a. The other was that Law
21 Manager, the company that makes it had recently
22 been acquired by a different company who was giving

1 us indications that they were possibly going to
2 cease supporting that software. So that we needed
3 to start looking at a possible alternative.

4 In 2009 at the instigation of the Navy
5 Appellate Division, there was actually a
6 conversation that took place amongst all five
7 services and the Administrative Office of the
8 Courts about the possible use of CM/ECF in the
9 Armed Forces.

10 And so we went and re-approached the
11 Administrative Office of the Courts about the
12 possibility of using CM/ECF. It might help us with
13 the issue if Law Manager became unsupported.

14 And we also thought that given our
15 pretty small case load that it would be relatively
16 easy to work with as an end case for the system.

17 In case the other services wanted to use
18 that for the compliance with the Part 140a that
19 requires the services to develop electronic case
20 management and work on public availability for the
21 court martial records in the manner similar to
22 PACER.

1 So we actually had a meeting with the
2 Administrative Office of the Courts. We actually
3 met with Ms. McCaleb and her staff. And we laid
4 out to them, this is what we're interested in
5 doing.

6 And what they told us was that it's very
7 interesting. We will not make CM/ECF available to
8 you.

9 And they had three reasons why. One is
10 that they were in the middle of working on the next
11 generation of CM/ECF. And all of their staff time
12 was devoted to working on that.

13 The second one was that they have had an
14 experience with modifying CM/ECF for another user
15 in the executive branch. That from their
16 perspective did not go well.

17 They made CM/ECF available to the Court
18 of Appeals for Veterans Claims. And the Court of
19 Appeals for Veterans Claims only uses the appellate
20 module.

21 And because that court has a very narrow
22 range of cases, CM/ECF had to be very significantly

1 modified in order to work with what that court
2 does. And that work was done by Ms. McCaleb's
3 staff. And from their perspective that actually
4 put them behind the development of the next
5 generation of CM/ECF.

6 And so they were reluctant to get
7 involved with what would likely be a much bigger
8 project working, well, not so much with us, but if
9 the other armed forces were involved with it as
10 well.

11 And then the other thing that her staff
12 mentioned was that one of things that they've
13 learned, or it at least came up, and was reinforced
14 to them significantly in working with the Court of
15 Appeals for Veterans Claims is that CM/ECF is a
16 complex software system.

17 It kind of has to be because it is
18 highly configurable. They are capable of
19 customizing CM/ECF to a very high degree in each of
20 the districts and the appellate courts because some
21 of the individual judges insist on that.

22 And so part of their concern was, given

1 the relatively narrow range of cases that the court
2 martial system deals with that CM/ECF is a far too
3 complex system for us to use.

4 And so those were the reasons they gave
5 us why they were -- they didn't -- they basically
6 said that we're not going to make it available.
7 And we don't think it's a good idea either.

8 They did then refer us to the National
9 Center for State Courts. Who we then did speak
10 with. And have had somewhat ongoing conversations
11 with them.

12 And they pointed out to us that there
13 are a number of commercial software vendors that
14 develop software programs for state and local
15 courts. Some of which -- some of those courts are
16 courts of very narrow jurisdiction.

17 And they thought that our talking with
18 some of those commercial vendors might be more
19 relevant to, you know, a type of system that we
20 might need. And as a result of that
21 recommendation, we went to -- there's a biannual
22 court technology conference that we attended.

1 We got to speak with a number of the
2 vendors. We got to see what is out there. And the
3 National Center for the State Courts had the almost
4 identical recommendation as the Administrative
5 Office of the Courts was.

6 Is that they were very familiar with
7 CM/ECF. They have worked with the Administrative
8 Office of the Courts on it.

9 And they said that it's just way too
10 complex for what you all really need. The analogy
11 that one of them gave me was you would be buying an
12 F-18 when what you need is a glider.

13 And so we have continued working with
14 the National Center for State Courts. And are --
15 but at least we the Coast Guard, when we have been
16 examining this, have been mostly looking at the
17 potential for a commercial vendor.

18 Although our experience with Law Manager
19 also indicates that that may perhaps not be, you
20 know, a solution that takes care of the issues
21 permanently if your -- the vendor ceases to support
22 the program that you're using.

1 So, with that I will conclude my remarks
2 and will be happy to answer questions.

3 CHAIR BASHFORD: I have -- I'm going to
4 start with Major Schweig. Can you query your
5 system so that you have the, you know, PC but? PC
6 but, you know, batch search? PC but victim
7 declination?

8 Can you query that and see how many of
9 the victim declination cases you had in a
10 particular year?

11 MAJ SCHWEIG: So we have not added those
12 specific data fields to the system. The way we are
13 dealing with that is we are requiring the actual
14 case analysis memo to be uploaded upon conclusion.

15 And we're sort of debating as to whether
16 or not we actually want to put those data fields in
17 the system. Because as soon as we do, then
18 presumably they become subject to disclosure.

19 Which, in a round about way, might lead
20 one to infer the prosecutorial evaluation process
21 that went into the case. Because of course it is
22 possible for a prosecutor to say, there is probable

1 cause. However, I do not recommend prosecution
2 based on the factors indicted in Appendix 2.1.

3 A committee authority can take that and
4 say well, there is probably cause. And that's the
5 standard. So therefore I'm referring this case.

6 We think there could be a danger in
7 revealing the other part of the prosecutor's
8 analysis.

9 CHAIR BASHFORD: And what do you -- this
10 is statute probably. Do you track victim
11 declination? And if so, what do you base it on for
12 the services?

13 Mr. McCleary, did you track how many
14 cases victims choose not to go forward on?

15 MR. McCLEARY: Well, we require of trial
16 counsel if there is a victim declination to be
17 aware of the request from the victim that something
18 in writing saying that they don't wish to go
19 forward. Or that the trial counsel will forward it
20 in writing.

21 So we keep that in the file. But the
22 way that we have to track that in Law Manager is

1 just a quick form with text entry.

2 So that then is part of the big --
3 there' s not like a drop down menu.

4 CHAIR BASHFORD: Does the Air Force
5 track that?

6 MAJ HORTON: The Air Force tracks very
7 similar to the Coast Guards. It's required to be
8 maintained as part of the case file.

9 CHAIR BASHFORD: Can you speak up
10 please?

11 MAJ HORTON: So, the Air Force's
12 practice would be similar to Coast Guards. In that
13 we ref -- that information might be in a free form
14 text field. But there's not like a data button
15 that indicates that specific information.

16 But as part of our procedures and
17 regulations, they're required as part of the case
18 file, trial counsel to memorialize whether a victim
19 declined or obtain the victim's preferences in
20 writing.

21 CHAIR BASHFORD: In writing?

22 MAJ HORTON: Yes.

1 CHAIR BASHFORD: And other than your PC
2 yes/no/but, do you document declination?

3 MAJ SCHWEIG: Yes, ma'am. So it's part
4 of the case analysis.

5 And I know the prosecutor will have to
6 obtain a preferably written, but if the victim will
7 decline to provide a written preference, then
8 document whatever preference they were able to
9 obtain. And whatever information they were able to
10 obtain.

11 And that is documented on the case
12 analysis memo form. Alternatively, if the victim
13 was non-responsive, that's also documented. As
14 well as the number of attempts made to contact the
15 victim.

16 BGEN SCHWENK: But is it a data field?
17 Or is it just in the memo? So, if I were to ask
18 you how many last year, would you have to go
19 through all the memos to find out?

20 Or is there an easy way to look at the
21 data fields and say here's the answer?

22 MAJ SCHWEIG: Right now we'd have to go

1 through the memos to look at them.

2 BGEN SCHWENK: Okay.

3 CHAIR BASHFORD: Navy?

4 CAPT LUKEN: For -- we collect a lot.
5 We work very closely here, because we're the
6 smarter half, obviously.

7 CHAIR BASHFORD: So the same thing?

8 CAPT LUKEN: Same thing.

9 CHAIR BASHFORD: Try to get it in
10 writing. But ask if not.

11 CAPT LUKEN: Yes. It's required that
12 for all sexual assault -- for all special victim
13 crimes, they have to be prosecuted out, that has to
14 be uploaded to the system instead of a metric.

15 CHAIR BASHFORD: And so then you
16 wouldn't be able -- you would have to go case by
17 case and see how many in a given year?

18 CAPT LUKEN: Yes, ma'am.

19 CHAIR BASHFORD: Army?

20 LTC COATS: Ma'am, our units are
21 required to memorialize it. And we have spent two
22 months, maybe a month and a half, we have added it

1 to our database along with another -- a number of
2 other victim related data fields to the NKO.

3 So the field's now using that. And so
4 we don't have any historical data. But going
5 forward we have.

6 CHAIR BASHFORD: So going forward you
7 could look through it?

8 LTC COATS: Yes, ma'am. It's a drop
9 down menu of a number of options based on the
10 victim's participation.

11 BGEN SCHWENK: I think that question
12 raises the issue of developing a system for case
13 management versus developing a system for analysis.
14 You know, so when you get the Military Justice
15 Review Panel, is that what it is?

16 The one that comes onboard in 2019, or
17 whenever it comes onboard and it does the every
18 four year, periodic review. And every eight years,
19 off years, comprehensive review of military
20 justice.

21 They're obviously going to want to know,
22 well, how's your case management system going? But

1 they're also going to want to do their own analysis
2 off, you know, data.

3 And not have to do what the JPP did.
4 The RSP tried to do, the JPP did, and what we're
5 doing, which is ask for a whole bunch of files and
6 populate our own database.

7 You know, so I guess as you look at it,
8 is there much thought about setting up a system
9 that not only takes care of case management, but
10 the things that you all are doing now so that you
11 can make the system operate more efficiently and
12 effectively?

13 But also, start, I guess what the Army
14 started doing anyway, maybe the Air Force will.
15 Start populating more data fields so that the
16 committees that are charged with looking at a
17 broader view of things, and they don't worry about
18 individual case management, they worry about
19 broader view.

20 Have data that's readily pullable. And
21 analyzable. I make up words all the time. To
22 allow some real evaluation.

1 CAPT LUKEN: I agree, sir. And it's
2 things like that --

3 BGEN SCHWENK: That's really scary when
4 you agree with this. You know?

5 CAPT LUKEN: Well, you know. Things
6 such as having that database for victim declination
7 that is a, in my opinion, would be a loaded app.
8 You know, we could add that onto it.

9 As I turn to the guys who are probably
10 going to do it for me. Would be within the view
11 app tab. Because you have to have the information
12 there anyway on the victim in which they've got
13 that accessory tab.

14 And the solution is that push and pull
15 type thing of, is this going to add value to the
16 trial counsel? If not, why are we doing it?

17 Because obviously there is that
18 oversight. So in that case there, so I already
19 have it.

20 Give you another example, recently I was
21 asked as to race-based prosecution. How many cases
22 are this race, that race? And my response was

1 like, I don't know.

2 They're like well, why don't you know?
3 And then I didn't real -- I personally didn't
4 realize in CMS there is actually we have, you know,
5 what race is the accused.

6 My opinion, I would really like to take
7 that out. Because I don't prosecute based on race,
8 gender, or anything else. I don't care.

9 In fact I don't even track that. And I
10 don't know if I should be doing it as a prosecutor.

11 However, overall people want to know
12 that type of data. So it's in there. My thought
13 is, that should be done by the law enforcement.

14 Because they actually do have that
15 information anyway. So why would I be tracking it.

16 That said, I understand that oversight
17 wants to sometimes ask those type of questions.
18 So, we do have it in there.

19 And it's both left to the grand scheme
20 of things.

21 DEAN HARRISON: I'm not good with making
22 hypotheticals.

1 (Laughter)

2 DEAN HARRISON: I'm going to start with
3 you Colonel. I live in Savannah, Georgia.

4 And it occurs to me that if Mr. Jones
5 sells cocaine or meth or an opioid down the street
6 from me, if he's arrested and prosecuted by the
7 Savannah police. I can go online and track the
8 progress of that prosecution.

9 If he's arrested and prosecuted by the
10 U.S. Attorney, I can actually see some of the
11 filings that are made in that prosecution.

12 Supposed this Jones is Sergeant Jones,
13 the shop steward. Could I do the same thing?

14 LTC COATS: Sir, so I -- we do have our
15 e-docket. So when that --

16 DEAN HARRISON: Which tells me the
17 docket number.

18 LTC COATS: Well, we'll tell you the
19 schedule of hearings.

20 DEAN HARRISON: Will this tell me the
21 documents that are filed?

22 LTC COATS: It will not, no. We don't

1 have that ability right now.

2 DEAN HARRISON: So I'll have to drive an
3 hour to Fort Stewart to gain access to the facility
4 and actually go to the trial counsel's office and
5 ask to see more.

6 LTC COATS: Yeah. I mean, in the
7 military --

8 CHAIR BASHFORD: And you're not going to
9 get --

10 (Off mic comments)

11 (Laughter)

12 LTC COATS: Yeah.

13 DEAN HARRISON: So what I'm getting at,
14 and like I shouldn't even ask this, it seems that
15 you've got, I guess you have to decide whether or
16 not they're wonderful.

17 But you've got systems that are designed
18 solely for your internal consumption. How about me
19 as a member of the public?

20 I happen to understand you may not think
21 race is an issue. But as a researcher, I do.

22 CAPT LUKEN: No. I understand.

1 DEAN HARRISON: But I'd like to know
2 what I can do to -- I'm not in the military. I'm
3 just a lowly member of the public.

4 I'm trying to follow the criminal
5 justice system in my area. Can I see anything from
6 any of your systems that is of any use to me?

7 LTC COATS: And answer -- the short
8 answer is no. The only two things that you can see
9 from the Army's perspective is the docketing of
10 that case. And in the end, the result of that
11 case.

12 So, that is one thing that I don't think
13 any of our systems do. Is have a PACER like public
14 like -- publically accessible to documents.

15 DEAN HARRISON: Or even historically.
16 If I wanted to research to see what's going on at
17 the local military base over the past ten years, is
18 there anything that I can do other then file a FOIA
19 request?

20 LTC COATS: No. But FOIA is the
21 mechanism, sir.

22 BGEN SCHWENK: But under 140a, that's

1 something that somebody's looking at right? The
2 JSC subcommittee or somebody?

3 LTC COATS: Yes, sir.

4 MR. MARKEY: Thank you very much for
5 being here today. And I want to thank you for your
6 service, for everything, for all your years.

7 The statistics, we appreciate that. So,
8 I ran one of the most -- one of the busiest sexual
9 assault units in the nation, in the civilian world.

10 So, I know how important numbers and
11 statistics and information was for me to understand
12 what resources I needed. What I was short. And
13 how to address certain issues.

14 It sounds like with NIBRS, which has
15 been struggling for 30 years, in a microcosm that's
16 what I see here. And as far as 18 thousand, but we
17 only have five services that are basically working
18 in silos. Not communicating with each other.

19 I think that our goal is the same as
20 your goal. You all -- everybody falls under the
21 UCMJ. Everybody investigates sexual assaults.

22 So there's not much that -- there's not

1 that disparity of my service is unique in that we
2 do things this way.

3 What we're seeing through the process
4 now that it's opening my eyes, is definitions.
5 Lack of standardization. Lack of reporting.

6 The other thing I noticed is the systems
7 that you're describing are after a whole bunch of
8 information has already been collected through the
9 investigative process.

10 So there's a lot of data that I don't
11 even know if it's making it to your systems to look
12 at. It sounds like you're not really getting
13 information until the MCIO submits their
14 investigation to you to start entering that into
15 your system.

16 So, there's a disconnect between the
17 cradle and what's going to happen. Ultimately the
18 disposition of that case.

19 And so that seems to be one of the
20 things that I know personally all that information
21 is there. Why isn't it in a position where
22 everybody has access to it? With restrictions.

1 I don't disagree with your iPhone,
2 android system of entering data. That may work in
3 silo.

4 But I don't know with the way the system
5 is set up with everybody's unique way of
6 investigating, of reporting, of identifying certain
7 things, I don't know if that would work in that
8 particular scenario.

9 But, I think there's a way to make that
10 work. If in fact everybody would come to an
11 agreement that this is how -- this is the
12 information. These are the forms. These are the
13 standardization.

14 Everybody contributes to this system.
15 Now that would go to your, well, we don't want
16 somebody having this information that's going to
17 use it or control it, whatever the concerns are.

18 And I understand that. But, we're in a
19 position where that's not happening now. We're
20 struggling to get information just on requests for
21 information.

22 And a perfect example for the data

1 working group, when there's a request from the
2 Hill, the services are coming to us to ask for that
3 data. That's data that should be right there at a
4 keyboard. That anybody should be able to access
5 within your organization.

6 And so I think there's -- I think we're
7 on the same path. I'm hoping that we'll all be
8 able to make it a win-win for the type of system
9 that's going to be able to identify how we're
10 responding to sexual violence.

11 Are there gaps and challenges? And are
12 there ways that we can improve our response?
13 Because ultimately that's what we want to do.

14 Less about the data collection and what
15 it is. But that's tell -- that tells us how we're
16 doing things and where we can improve.

17 So that's kind of my little tirade, I
18 guess.

19 (Simultaneous speaking)

20 MR. MARKEY: And I don't think there was
21 a question in there or anything. If you have a
22 response to this, bring it on.

1 (Laughter)

2 CAPT LUKEN: I do. I agree. There is
3 a Uniform Code of Military Justice, so why can't we
4 get kind of under one large umbrella?

5 Anyways well, we're different. We're
6 this and that. Each of the services at our level
7 has a challenge getting a form changed at the DoD
8 level.

9 And there's so much change in the
10 practice over the last eight to ten years, you have
11 a pivot to add these different things, the
12 different metrics that we want to start tracking
13 and things like that. It's just a great challenge
14 going across the services.

15 And I would agree. We're working in
16 silos. I find CMS, while it's nice, it's clunky.
17 I need something added to it, and it takes months.

18 A simple thing such as one office has a
19 new command, that they have new cues for a new
20 command. But to get that added in there, it takes
21 two or three emails, and a couple of phone calls,
22 and a week or two before it finally gets in there.

1 When it probably should already have
2 been in there in one form or fashion. We're just
3 not there yet.

4 MR. MARKEY: Well, and if we're trying
5 to pull statistics and data out of narratives, and
6 that's what we're seeing in the justice files.
7 That's from the 60s and 70s.

8 CAPT LUKEN: Correct.

9 MR. MARKEY: Not 2018. And so that
10 concerns me. Because then the accuracy of that
11 information that's in narrative form then it
12 becomes interpreted by somebody who maybe give that
13 information out.

14 And so -- and plus it -- yourselves have
15 admitted that a lot of that information on
16 declination involving victims, you have to pull
17 every report and look at it. And read through, I
18 don't know how many pages perhaps, just to get to
19 that one piece of information.

20 And there are systems out there that
21 allow for the electronic gathering of that
22 information. And you press a couple of buttons and

1 you do a query.

2 You see -- it's looking --

3 UNKNOWN: Your time is up.

4 (Laughter)

5 MR. MARKEY: That's a cue. And you
6 query it. And so I think we would like to provide
7 assistance in maybe getting to that next level.

8 CAPT LUKEN: Well, that would be great.
9 I think direct to declination because it's a value
10 for pulling information.

11 Declination should and can be added.
12 But it's the okay, what's this month? What's next
13 year? And continuing to add it.

14 And then go back well, can you tell us
15 the last five years how many people have declined?
16 No, I can't. Why? Because five years I wasn't
17 tracking this.

18 I can and will now. And that's the
19 benefit we've gotten through CMS. In that
20 transition from the system -- whatever system we
21 had at the time.

22 Try this issue in CMS, I can now, now

1 that I have about five years' worth of data, I can
2 start seeing trends. I can start seeing
3 differences.

4 And we need to get better at it. It's
5 just a very big challenge because you have the
6 attorneys trying to work out what's best for the
7 prosecutors to be able to prosecute cases in case
8 management.

9 Versus, what does Congress and others
10 want to see and have that transparency. And I
11 understand that.

12 When it comes to transparency, we're all
13 for 100 percent transparency. But also we have the
14 accused, we've got to watch their rights as well.

15 And we have a Privacy Act in there. And
16 that were tampered with at times too. It's just
17 challenging.

18 But, it's something that can be worked
19 through. I will not sit here and tell you we can't
20 do that. That's absolutely not true.

21 We can. We just need to get the right
22 people doing the right thing.

1 MS. CANNON: Are there other comments
2 before we move onto another?

3 MAJ HORTON: I just wanted to add one
4 thing on behalf of the Air Force. I'll say that
5 the Air Force has struggled with that very issue of
6 which issues are -- which data entry points are the
7 points to track for trend analysis.

8 We have data reliably and the evidence
9 that goes back to the 90s. And we've been doing
10 that very thing, identifying as we go, because of
11 the interest we get in a particular, you know, from
12 a particular Congress person, or because of the
13 media, or because of a particular case, we begin to
14 track.

15 But we have the same issue of well, we
16 can't go, you know, to the past. But going
17 forward. So, it's always been a challenge.

18 Now I'll just say it's a challenge. And
19 I agree with what you're saying. It's just a
20 struggle to continuously adapt and find those data
21 points that need the analysis.

22 EGEN SCHWENK: How hard is it to make a

1 change to add a data point in AMJAMS?

2 MAJ HORTON: I will say that it's not
3 terrible to add the data point in terms of
4 programming. I will say the difficulty becomes in
5 deciding how best to train the field and where it's
6 at.

7 BGEN SCHWENK: Right. What the guidance
8 is going to be. What the definitions are going to
9 be.

10 MAJ HORTON: And how to proc -- because
11 ideally you want the system to -- to -- I don't
12 want to say force the issue. But maybe, you know,
13 make it very evident.

14 So that it's clear. It's fairly
15 intuitive. And sometimes that becomes difficult.
16 So, it's not so much adding the data field itself
17 that generally speaking is, you know, our
18 programmers can do that fairly easily.

19 It's the other part of thinking from the
20 user perspective, from the case management
21 perspective, how to make it intuitive. And makings
22 sure you're capturing it at the right phase too.

1 BGEN SCHWENK: What about in the Army?

2 LTC COATS: Well, I would agree. It's
3 adding all the victims, I think we added eight or
4 nine victim-related data points to MJO. It took
5 all of three weeks for the developers to move
6 through that.

7 And for me as kind of the legal counsel
8 on that, to make sure that it was put into the
9 system in an intuitive way. But the training
10 aspect is the key part.

11 It's not hard. It's just you have to
12 focus on it and give the proper attention to it so
13 the field does understand that the field is now
14 there first of all. And what the definitions of
15 those fields are.

16 We went through multiple iterations of
17 defining a victim, you know, before we decided what
18 victim definition we were going to use. And then
19 had all these subsequent fields open up that had to
20 be filled in.

21 But, so that's mission and training
22 certainly.

1 CAPT LUKEN: I get my two year
2 prosecutors every three years. So, but you've just
3 got to get at it. It's not surmountable, but you
4 have to get at it.

5 DR. BECK: If I may?

6 CHAIR BASHFORD: Of course.

7 DR. BECK: I worked with directors at
8 corrections, state correctional agencies. They
9 face some of the same issues of getting from their
10 case management --

11 JUDGE GRIMM: Can't hear you, doctor.

12 DR. BECK: Getting from their case
13 management systems the minutia in those case
14 management systems to how they want to be judged.
15 How they want to be evaluated.

16 And the desire to weigh in on that
17 evaluation. And so ultimately, I think, the
18 distinction between the case management systems out
19 there that are oftentimes unique to each of the
20 states or each of the services, and will continue
21 to be.

22 But there has to be agreement on how we

1 all want to be judged. Whether you're in
2 corrections, or law enforcement, or in the armed
3 services.

4 So that involves some discussion of
5 metrics. Basically, what are the metrics of
6 justice? What are the metrics of good management?

7 And the correction administrators have
8 struggled with that. And I think they certainly
9 were instructed along the way.

10 So you have metrics, you have targets,
11 you have indicators to the extent to which you meet
12 those targets. So you have to set the targets.
13 That's leadership.

14 You have to agree upon the indicators.
15 And to come up with some kind of consensus with
16 respect to those indicators.

17 And underlying those indicators is a
18 notion of common language. You have to speak the
19 same language.

20 And that means having the same kinds of
21 classifications and definitions so that you -- when
22 you talk about sexual abuse or unwanted sexual

1 contact, or you talk about rape, you're talking
2 about the same thing.

3 It's a common, common language. And
4 correctional administrators struggle with that. I
5 think anyone committed to evidence-based management
6 struggles with that.

7 One thing I observed along the way is
8 that simplicity is a virtue. If you try to collect
9 every piece of information on every aspect in every
10 process and every decision point, you're never
11 going to collect anything.

12 You're never going to get any good data.
13 You have to set priorities. You have to say this
14 is more important than these other things.

15 And that's again, about leadership. And
16 it comes from the commitment to how you want to be
17 judged. So that would be my soapbox.

18 Is to how to approach thinking about
19 developing a system that actually speaks to the
20 issues at hand.

21 MS. LONG: So, I have a question. First
22 of all, thank you very much for your testimony

1 today. And your work. It's very interesting.

2 And as a former prosecutor I also really
3 appreciate how difficult it is to get a handle on
4 what you're doing. And Captain Luken, you made a
5 -- but maybe others have some other feedback.

6 But, you in your remarks made a
7 reference to complexity when you're trying to
8 figure out how your individuals are working. And
9 how much time it's taking.

10 CAPT LUKEN: Yes.

11 MS. LONG: And I thought you said you
12 recognized the complexity. I'm wondering what in
13 your management system, if that was it, that you're
14 using to flag more complex cases or cases that you
15 would expect to take a little bit longer than
16 others.

17 Because I imagine that you're trying to
18 balance this work.

19 CAPT LUKEN: Yes. I've thought about
20 that. How do we, you know, a drug pop case isn't
21 the same thing as a murder case. I recognize that.

22 When I first came into the job, the

1 metric was for a regular counsel to have eight
2 courts-martial a year. To push eight courts-
3 martial a year.

4 My response was, what does that mean?
5 What is eight? Is eight a drug pop, special
6 courts-martial? Or eight murder cases?

7 So using CMS we were able to start
8 looking at it and go, the metric really should be
9 how many cases are you touching at one time that
10 are in various portions, if you will.

11 The metric now is about 18 to 20 cases
12 that you rotate two or three times through the
13 year. There are exceptions. So we have them
14 marked as high visibility cases.

15 And then at TCAP we can monitor the --
16 we, you know, we do monitor those type of cases.
17 So, I know for instance our northwest just finished
18 a child murder case.

19 I know that the -- when I look at their
20 total numbers and I see a dip in their efficiency,
21 I know it's because for two weeks they were -- that
22 that team was in a two-week trial.

1 So, when I get questioned by my
2 leadership of why do you see this, or why is this
3 bump in there, I can say, just through knowledge of
4 looking at the reports and talking to the field, I
5 know what's going on in different places.

6 For instance, like some of those graphs,
7 you'll see people -- things spike and spike down.
8 What that tells me, a low number of cases because
9 it's a smaller docket.

10 But maybe they just had a first -- oh,
11 I just finished a child -- a high vis child sex
12 case. Where the guy got 30 years.

13 They put a lot of time and effort in
14 that. That case took about a year and a half to
15 get to finish, which caused their metric to spike.

16 Just having that knowledge and ability
17 to talk about that, you've got those outliers, you
18 know what I'm talking about.

19 MS. LONG: And one follow up. And then
20 I'm interested in hearing from others if you have
21 any other comments.

22 Do you find value in looking at --

1 across sexual assault cases, for example, and
2 trying to look at the variance and complexity
3 between them?

4 For example, at gun-point, stranger
5 sexual assault, not to rank things, might be more
6 straightforward than a non-stranger with alcohol
7 involved, something else. Is there value to you as
8 a manager?

9 Or do you think as a broader service of
10 knowing who's handling what? I mean, what cases
11 maybe?

12 CAPT LUKEN: So, yeah. It's important
13 for me to know. And that's where I use their
14 reports. Their stat fields where they talk about
15 what the general facts of the case that I get to
16 see.

17 So for instance, we have a case now
18 going on at Great Lakes which is a domestic
19 violence and a sexual assault case. I look at
20 who's up there.

21 And say, you know what, I want to bring
22 in some extra expertise. So I called down to some

1 place else have -- or TCAP may get involved to act
2 as a surge capability.

3 So, those high -- those cases come --
4 are marked within the system. So I get some
5 visibility as well as my boss gets visibility.

6 And we can analyze, do they have the
7 right people and at the right time for those
8 particular cases.

9 CHAIR BASHFORD: I was going through one
10 of the problems that's coming up here is case
11 management is like what is going on? And some of
12 the data points that people are interested are
13 later, why are things going on?

14 And I agree. You don't really care if
15 you're just trying to see who's got what cases and
16 how long they're taking.

17 Is one overloaded and one understaffed?

18 CAPT LUKEN: Yeah.

19 CHAIR BASHFORD: You don't care about a
20 lot of the data points. Because it doesn't matter.
21 It just matters what cases you have and what's
22 happening to them.

1 And I think maybe trying to push
2 everything into a dual purpose, you have to have a
3 lot more data pieces. But it may just be that
4 they're at odds with each other.

5 CAPT LUKEN: They're a bit at odds.
6 But, just finding that middle ground and kind of
7 put Mr. -- or excuse me, Dr. Beck said, it's what's
8 important and what's not important.

9 I would agree. Victim declinations is
10 important. So we can see if there's trends of why
11 are they declining?

12 Is there a surge in numbers all of a
13 sudden in these last two years versus the two years
14 before? How can we explain that?

15 I just on my way up here to speak got a
16 call from our Deputy JAG asking -- looking at the
17 DoD numbers and maybe relations to those numbers of
18 cases going forward versus not going forward.

19 And talking through why do we think
20 there's been a bit of a surge since 2015? Our
21 response there is, well first of all, we've been
22 trying to elevate from a probable cause standard to

1 a probable cause plus a reasonable prospect of
2 conviction at trial.

3 As well as we had case law which then
4 gave us a greater explanation on what is one who is
5 incapacitated. And so that's affected some of the
6 numbers in our evaluation cases.

7 So, I think there's a way to get there.
8 It's just that we need to prioritize what's
9 important. To get into prior acts.

10 Plus, to add that into the military
11 justice -- to CMS. Because that's always something
12 that we need to get at and get better at.

13 So we've added that in there. Which was
14 a new tracking.

15 MS. LONG: Can I just go back and make
16 -- I thought Major Schweig was just going to say
17 something.

18 MAJ SCHWEIG: Yeah. I had just a very
19 quick comment. Which is that -- and I know that
20 the committee is well aware of this.

21 But it's worth, I think, restating. Is
22 that in the military we don't prosecute who done it

1 cases.

2 Like we almost always know who done it.
3 Our questions always, is it a crime? We're
4 prosecuting is it a crime cases, to who done it.

5 And, you know, I think that's important
6 for consideration as well.

7 CHIEF MCKINLEY: We have joint
8 deployments, joint assignments, joint PME. We have
9 joint marriages. We even have joint cases of
10 between -- sexual assault cases between services,
11 you know.

12 But yet when it comes to data, coming
13 from different services, you have different SAPR
14 programs. You have input with data differently.

15 And our committee here, we have a
16 difficult task in a very short period of time, of
17 providing recommendations on 140a. And I'm sure
18 each one of you has an opinion on which way we
19 should go.

20 For instance, should we have, you know,
21 five different systems that remain out there. That
22 you input the data that's required for you to

1 input.

2 Or do we come up with one system that
3 you are required to fit this one system? And I'd
4 like to get from each one of you, what's your
5 opinion? And what direction we should go?

6 BGEN SCHWENK: Recognizing now that
7 you're in a court in the U.S. representing your
8 respective Service.

9 (Laughter)

10 BGEN SCHWENK: With no instruction.

11 (Laughter)

12 CAPT LUKEN: Yes, sir. Is that it?

13 (Laughter)

14 (Off mic comments)

15 MR. McCLEARY: In the end, while I think
16 that it is possible that if you define a set of
17 data that everyone is going to be required to
18 mention, then you could have five different systems
19 and it could work.

20 For the purposes that Congress has said,
21 why can't we tell what's going on across the Armed
22 Forces? And then also being able to tell whether

1 or not there's problems either with people in the
2 services or individual cases.

3 I think all the stuff they want, we
4 would probably need a single system in order to do
5 that better.

6 MAJ HORTON: So, I think in my opinion,
7 speaking from what I see from our system, I think
8 I would disagree. I think that you could have five
9 systems so long as you could come together, no
10 kidding, a common like, you know, a common set of
11 standards.

12 Which is, you know, one of things that
13 140a is driving towards. I think that there are,
14 you know, I think there are very real differences
15 in how each of the services process their cases.

16 But either way, I would say there is
17 value in the system. And there's less intrinsic
18 data to support it. Historical data.

19 And ours is a system, Air Force has a
20 system again that's -- it's been in place since
21 1970s in some form or fashion. And has reliable
22 data going back to the 80s and 90s.

1 So, one of the big things we struggle
2 with when deciding whether to abandon our system
3 and upgrade it and move to something different,
4 whether it's a part of this initiative or not is,
5 ensuring that the integrity of all that historical
6 data is there.

7 And while that sounds simple to say out
8 loud, I'll tell you, from a contracting and an
9 acquisitions perspective, it's not necessarily as
10 easy as it sounds.

11 And it takes a lot of time. And it
12 takes a lot of effort. So, I think it can be done
13 in terms of five separate systems, as long as it's
14 clear. So that means we have that common language.

15 Not that there aren't other ways. And
16 not that that's what the Article 140a subcommittee
17 is looking into. That's my opinion.

18 MAJ SCHWEIG: I serve as the Marine
19 Corps, and I guess, continue to serve as the Marine
20 Corps representative to NJIS, Naval Justice
21 Information System development.

22 Which is the -- which is -- it is the

1 idea that we can somehow track a case from cradle
2 to grave. From inception of investigation or time
3 of report perhaps, until final release of at the
4 top.

5 And I will say that that has proven to
6 be mind-bogglingly complex. Even between two
7 services that, you know, are very similar with how
8 we process things.

9 We are constantly having to develop and
10 change the way we understand certain terms. So,
11 for example, in the Marine Corps your job is known
12 as your MOS. In the Navy it's known as your Rate.

13 So, here we are trying to figure out
14 what do we name this data field? And you know, do
15 we just call it your job?

16 And that's just between two services.
17 You know, if you tack on three others, you'll, you
18 know, you'll back up -- it will be orders of
19 magnitude more complicated.

20 So, to answer your question though, the
21 only way to categorically solve this problem is
22 with a single, uniform data system. Doing it would

1 require probably an act of God.

2 BGEN SCHWENK: Is that like the
3 Secretary of Defense?

4 (Laughter)

5 BGEN SCHWENK: Or some other God?

6 MAJ SCHWEIG: Some other God. I'll
7 withhold comment on that.

8 (Laughter)

9 CAPT LUKEN: I agree with the Uniform
10 Code of Military Justice obviously. But the
11 challenge we have is within the Uniform Code of
12 Military Justice you have the different Secretaries
13 having the ability to have certain decisions or
14 certain practices in place.

15 So you have that as a challenge. Our --
16 for instance, our Article 15 is different from what
17 the Army is obviously.

18 You also have differences which
19 committees that are --- the other calls we get is,
20 maybe courts-martial related, but what happened at
21 the end.

22 So now you're looking at NJP's,

1 Administrative separations and realizing those
2 details, which are completely different. And those
3 are tracked at the -- with the, often by the
4 prosecutor, so they're being prosecuted -- or
5 excuse me, tracked by the Staff Judge Advocate.

6 So, yes, this is very tough. So while
7 we have the uniform --- I think you said marriages,
8 sexual assaults, all these different common
9 interests, just the history of the services, the
10 cultures, and then how they're each arrived at both
11 under the Uniform Code of Military Justice and NJP
12 process, and the administrative process, is very
13 different.

14 And then what data you want, it makes it
15 very difficult to be able to address all the wants,
16 while going back to the user. Putting in what's
17 the value of me as a prosecutor putting this in to
18 help me move my case and address and prosecuting my
19 case?

20 LTC COATS: So the downside of going
21 last is that everybody else in front of you takes
22 all your ideas. No.

1 (Laughter)

2 LTC COATS: So, I'll echo a couple of
3 things. And then I'll offer one other thing.

4 First, I think it's important to note
5 that, you know, military justice between each of
6 the services is different. We have different
7 interests, you know, different things are more
8 prejudicial to good order and discipline in one
9 service than they are in the other.

10 So you have that aspect. You have
11 different processes in place. And so it is, it
12 would be difficult to have one same case management
13 system.

14 I think as Noel said, one important --
15 one important aspect, I think the most fundamental
16 important aspect is we have to have the same
17 standards and definitions.

18 If you can accomplish those and
19 reporting requirements, then it doesn't really --
20 I think it's less important the system that you're
21 using to collect it, so long as the product coming
22 out of that system is comparable between the

1 services.

2 And so -- and I think -- I think we
3 could get there. I know I've talked with the Air
4 Force a number of times and the similarities of our
5 system. They're fairly similar in their
6 capabilities to generate information.

7 And then the last thing is, I also think
8 it's important, you know, we're talking about this
9 one system solution. I frankly don't feel there is
10 one system solution.

11 No one has one system solution. You
12 heard this morning of two different systems, and a
13 third system on top of one of those.

14 So you have CM/ECF, and PACER on top of
15 that system. Which is not data collection at all.
16 It's document movement. And then access to those
17 documents.

18 And then you have the commission's who
19 takes documents and inputs data. There was no rep
20 -- the U.S. Attorney's Office has a case view
21 system, which I would say is most similar to our
22 MJO and AMJAMS as far as managing a case at the

1 operational level.

2 And so no one has that one system that's
3 going to give you access to files, public access to
4 files that's going to collect all this data for you
5 to conduct analysis on, and help a prosecutor or a
6 supervisor manage case load. There isn't.

7 And so, that would be, you know, I think
8 there is a place for, you know, any form of hybrid
9 where it's just a -- you know, there are service
10 systems and then additional services -- or systems
11 to get to the other data requirements that we have
12 in 140a.

13 JUDGE GRIMM: An observation and a
14 question that perhaps you can give us to help us
15 focus on what I sort of see as our struggle.

16 Those of us who have prior military
17 experience ourselves, and by virtue of the year
18 that this committee has had the privilege of
19 listening to your experience and very dedicated
20 service men and women talking about how the system
21 operates, we understand that the function of the
22 military justice system is different than the

1 function of the criminal justice system in the
2 civilian community.

3 We understand that discipline and good
4 order and judgment is important. We also
5 understand that when you create your systems, you
6 are creating them system wide.

7 So you've got to have a system that
8 looks for AWOLs. You've got to have a system that
9 looks for homicides. And you've got to have a
10 system that looks for sexual assault cases.

11 The problem is, is that those
12 individuals who have started asking questions about
13 how the system works in the last ten years, do not
14 understand necessarily the way in which this
15 separate operates in a dual capacity.

16 And the challenge is when they are
17 saying, we need to have this kind of information on
18 this one particular type of case. One class of
19 cases.

20 You know, they're not asking you about
21 AWOL cases. They're not asking about your
22 substance abuse cases. They're not asking about

1 failure to appear.

2 They're sexual assault cases. And the
3 challenge that it seems to me that the services
4 face is if we are unable to provide a mechanism to
5 answer the questions that they have about this
6 class of cases, there is a solution that they can
7 think of to that problem.

8 Which is remove the ability of the
9 services to handle those kinds of cases. And that
10 has been something which for a lot of very good
11 reasons has been an argument, no.

12 This is integral to what we do. It's
13 part of what we have to do in part because of the
14 population.

15 Your population is a disproportionately
16 large population of young people increasingly of
17 opposite genders, who are forced under stressful
18 conditions and close quarters, to deal with complex
19 problems. And sometimes in environments that are
20 very hostile, charged with protecting the safety of
21 this country.

22 And the challenge that we have is how do

1 we figure out systems that allow the reporting of
2 this information at the same time, it doesn't
3 underscore the way in which you're having to manage
4 these systems for the purposes for which you have
5 to do your job.

6 Not all of which is, ga -- I mean, the
7 only thing the courts do is bring cases, collect
8 the data, and resolve the cases. That's all we do.
9 We're not charged with defending the country.

10 And so the challenge that we have here
11 is, how do we make recommendations to the
12 organization, which is trying to explain to
13 Congress, we need to keep this function here, when
14 the questions that they want answered, we have a
15 challenge getting our arms around them.

16 And as General Schwenk said, for us to
17 go get into it, they have to look at two thousand
18 files, one document at a time. Because it can't be
19 captured.

20 And that's how we're struggling with how
21 we can fashion recommendations that recognize the
22 reality that you live with. But, respond to

1 questions from those who may not fully appreciate
2 the challenges that you all have.

3 CAPT LUKEN: And if I may add a layer to
4 that. The challenges also require --- appreciating
5 that we're here for sexual assault cases, the same
6 questions are being asked of us for data in gun
7 cases, hazing cases, sexual harassment cases, child
8 abuse cases, child exploitation.

9 So, it's not just sexual assault cases
10 we're pulling all this data in, but we are tracking
11 for all types of cases. And whatever maybe five
12 years now or ten years of other interest.

13 JUDGE GRIMM: Right.

14 CAPT LUKEN: So, that is an actual layer
15 of challenge we have as well.

16 JUDGE GRIMM: Right.

17 CHAIR BASHFORD: Well, although I think
18 Captain Luken said it, it's important to have the
19 same definitions.

20 CAPT LUKEN: Yes, the Lieutenant
21 Colonel.

22 CHAIR BASHFORD: I'm sorry.

1 CAPT LUKEN: I agree with the Lieutenant
2 Colonel.

3 CHAIR BASHFORD: It brings me to your
4 entry of your results into DSAID, DSAY? However
5 you say it.

6 CAPT LUKEN: DSAID.

7 CHAIR BASHFORD: D-S-A-I-D. Who's doing
8 that? Is that a lawyer? Is that a paralegal?

9 Who's actually entering that information
10 for your various services?

11 MAJ HORTON: So, I guess I don't -- I
12 think it's similar across the services. But for
13 the Air Force, that's a separate -- that's our
14 SAPRO office.

15 So SAPRO --

16 BGEN SCHWENK: Sexual assault response
17 coordinator would be doing that.

18 MAJ HORTON: That's correct. And the
19 program that manages all that too.

20 BGEN SCHWENK: Right. Do this, sexual
21 assault.

22 MAJ HORTON: But that's them. And I

1 know they have, at least at the headquarters level,
2 some legal personnel that are attached to that
3 function.

4 But predominantly it's the people who
5 are trained in those functions and these matters
6 that determine it.

7 CHAIR BASHFORD: So you're not the
8 person that can tell me what DSAID means? What
9 when it says something that's substantiated versus
10 unsubstantiated?

11 MAJ HORTON: No, ma'am. But if you
12 could though ask that question.

13 (Laughter)

14 CAPT LUKEN: So, what happens ma'am,
15 often times is the cases go forward. And the
16 command is left to complete the DSAID and they
17 ship out.

18 I have seen cases where we've
19 recommended not to go forward. Not because it
20 didn't happen. But basically there's not enough
21 evidence to go forward or have other reasons that
22 prosecutors look at.

1 And if the command center looks at
2 those, oh yeah, this is unsubstantiated. It's like
3 whoa, whoa, no.

4 That's not what -- not saying it didn't
5 happen. We're just saying that for us to prove
6 beyond a reasonable doubt may have its challenges.

7 And so then the victim finds out, what
8 do you mean? Are you saying I'm a liar? So that
9 is a challenge.

10 And I think that is some of the language
11 that we need to take a look at.

12 CHAIR BASHFORD: And what about the
13 difference between insufficient evidence of any
14 offense and unfounded? We see those seem to be
15 thrown around in the DSAID all the time as well.

16 Do you in your services have a
17 definition? Or do you distinguish between them?

18 MAJ SCHWEIG: The Marine Corps does.
19 So, we -- and I don't know if you're familiar with
20 it. But it's sexual assault disposition report,
21 it's known as a SADR report.

22 And so we've centralized all of that,

1 sort of a nod to the Sentencing Commission model.
2 The idea that unless you centralize it, you won't
3 get consistent data input.

4 So, we have a very motivated and well
5 Master Sergeant who intakes all of these forms and
6 inspects them for consistency. And if they are
7 wrong in any aspects, she will return them to the
8 staff judge advocate for improvements.

9 And when she's satisfied that they're
10 correct, she will then enter that information into
11 DSAID herself.

12 CHAIR BASHFORD: So how do you
13 distinguish between insufficient evidence of an
14 offense and unfounded?

15 MAJ SCHWEIG: Regrettably ma'am, I don't
16 have a copy of the plan here. But if I did, I'd
17 read you the definitions from the help side of the
18 form.

19 And I don't want to risk getting them
20 wrong at this time.

21 CHAIR BASHFORD: Is it different for any
22 of the other services? Are there drop down menus

1 that tell you what the difference is?

2 LTC COATS: Ma'am, I'm sorry. I'm not
3 -- I'm not our DSAID PO -- subject matter expert.

4 DR. SPOHN: Well, just a follow up to
5 that, we've been reviewing the investigative case
6 files. And one of the things that we're concerned
7 about is outcomes.

8 How was this case closed? Or what was
9 the eventual outcome of this? These are all cases
10 where no action was taken, the ones we're looking
11 at now.

12 And DIBRS might have one case closure
13 type. And then you look at the case file, and it
14 says something different.

15 So it might be unfounded in DIBRS. And
16 no probable cause, or insufficient evidence, or
17 something like that in the investigative case file.

18 So, how do we know what the outcome
19 should be in these cases when DIBRS and the
20 investigative case file have inconsistent data?

21 MAJ SCHWEIG: That's unknowable without
22 knowing exactly where in the process the case fell

1 off. So, for example, if it was after the
2 preferral of charges, but prior to referral, --

3 DR. SPOHN: These are all no actions.

4 MAJ SCHWEIG: Okay. So, you're on no
5 actions for these things.

6 UNKNOWN: Initial disposition. It's
7 initial disposition.

8 MAJ SCHWEIG: In that case I've no
9 answer to your question.

10 (Simultaneous speaking)

11 CAPT LUKEN: Within the Navy I think
12 you're getting a disconnect. Because that, DIBRS
13 and the SADR is held through the convening
14 authority.

15 Whereas, our case closure is being
16 handled within the prosecution, which is different
17 events. So you're seeing a different language even
18 within the service.

19 And there's no one marrying that up. I
20 do know when I see a SADR and I see an unfounded or
21 some other words similar, I take a little bit of
22 issue -- I do take issue with that.

1 So, and then when it comes out to
2 training, I make sure we're using the same
3 language.

4 UNKNOWN: So, and what do you think --
5 oh, go ahead.

6 DEAN HARRISON: If we were inclined to
7 say without the service of the SADR collective,
8 hundreds of new data points. But we're also smart
9 enough to know that the TJAG offices are not the
10 people to do this.

11 What office in your service branch or in
12 DoD would you recommend be responsible for
13 collecting and maintaining this type of data other
14 than the TJAG office?

15 Who would you like to stick it with?

16 (Laughter)

17 CAPT LUKEN: I fear my own --

18 DEAN HARRISON: Yes.

19 (Laughter)

20 CAPT LUKEN: I don't even know who you
21 are right now.

22 BGEN SCHWENK: Just remember, it's the

1 highest grade satisfactorily served.

2 (Laughter)

3 CAPT LUKEN: Yeah. There we go. Well,
4 I'm thinking Justice Cole, because he's in
5 academia.

6 (Laughter.)

7 CAPT LUKEN: It would really come down
8 to what are the data points you're doing. And who
9 would have the best oversight for that.

10 Because it could be law enforcement. Or
11 it could be our Op Nav personnel people. So it
12 really comes down to what hundreds or thousands of
13 things you want us to start tracking.

14 DEAN HARRISON: Right. And they
15 probably asked the JAG officers for the
16 information.

17 CAPT LUKEN: They would.

18 DEAN HARRISON: Would they also be
19 asking the investigators? They might be asking the
20 counselors.

21 But they would be the maintainers of the
22 data. And they would be the ones responsible for

1 responding to Congress. If Congress wants to know
2 something.

3 MR. MARKEY: And I'll add if I can. So,
4 one of the things you learn is, if you don't try to
5 fix the issue yourself, someone's going to tell you
6 how to fix it. Satisfactorily or unsatisfactorily.

7 And so we would call them unfunded
8 mandates. I don't know if that's a term you're
9 familiar with in the civilian world.

10 So, the question was, obviously, you
11 know, we're going to make recommendations. We want
12 to be on the same recommendation team.

13 But, I also feel that we don't want to
14 make recommendations that are unrealistically as
15 far -- unrealistic as far as resources and the
16 ability to accomplish those recommendations.

17 So, I don't know if it's appropriate to
18 talk about what resources. And I know you're
19 probably processing, if this happens, or if
20 something changes, what resources are we going to
21 need or are we going to lose, or that we would
22 expect to help us resolve this issue or this

1 question that's being asked?

2 So, I don't know if that's something you
3 thought about as far as this is the impact it's
4 going to have within my branch or within my unit,
5 if and when a particular change occurs.

6 UNKNOWN: What's the question?

7 MR. MARKEY: So the question is --

8 (Laughter)

9 MR. MARKEY: Did I create a problem?

10 BGEN SCHWENK: So how resource
11 constrained are you guys?

12 MR. MARKEY: Yeah.

13 BGEN SCHWENK: But what sort of re -- do
14 you have the people that you need to do your -- I
15 mean, you're doing four things, right?

16 MR. MARKEY: So you see a lot of push
17 back at the --

18 BGEN SCHWENK: Because your case is
19 beyond this.

20 MR. MARKEY: The push back I've seen has
21 been, was I don't have the time, the people, and
22 the money to do this.

1 So, if you were given the time, and the
2 money, and the people to do this, what would you
3 need in order to accomplish that task?

4 And maybe that's something that you need
5 to process. To think about.

6 CAPT LUKEN: So, I'm looking at
7 paralegals. Because I don't want the prosecutor
8 having to input all the time.

9 I want to have support staff to do that.
10 So that way taxpayer money is being well utilized
11 for what you're paying that individual to do.

12 So, I need a good task -- I need
13 paralegals and good administrative staff to go
14 there. I need streamlined processes as well.

15 And a system that works. Another layer
16 that I can --

17 MR. MARKEY: IT factors.

18 CAPT LUKEN: IT. Huge IT. And not IT
19 that works in Norfolk or DC. But IT that works in
20 Bahrain, Japan, Germany and other places as well.

21 MR. MARKEY: Right.

22 CAPT LUKEN: So, those are all the

1 different layers you got. You know, now you've got
2 cyber and you've got protection and security and
3 those things.

4 So, layers on layers. It's not
5 impossible. It's just not as easy as we would like
6 to think it is.

7 So just -- as long -- I just ask that,
8 I mean, consider that whatever you ask for, please
9 make sure it's valuable that's something that's
10 truly, truly needed versus a nice ask.

11 MR. MARKEY: Right.

12 MS. LONG: Then what's the point Dr.
13 Beck made? I think it was you who said you have to
14 link the data to operations.

15 It's no -- there's a real disconnect.
16 A lot of things of what you're saying help you
17 manage your prosecutors are the things they want to
18 know.

19 But if they're not, maybe some of them
20 are. But it's not linked right now. So, I
21 understand why it just seems more for you.

22 And some of it might be. Because it

1 seems like you're being asked for extra work that
2 has no value to your on-the-line work, perhaps.

3 CAPT LUKEN: This is new to us too. I
4 mean, this is stuff -- these metrics we're pulling
5 now a days are not something we were pulling five
6 years ago.

7 So, I'm sitting here teaching my
8 leadership that this is what this means right here.
9 So, it's -- we're in the crawling phase.

10 MS. LONG: Right.

11 MAJ SCHWEIG: Yeah. And I'll add this,
12 stream it down. If you really think about in the
13 greater scheme of things, the Sentencing Commission
14 has been working since I -- maybe since 1995. Some
15 of you probably know the exact number.

16 CMS has been running since 2011. I
17 think MJO is even a little bit younger than that.

18 LTC COATS: Yeah eight. But really
19 courts-martial has only been added since '11.

20 MAJ SCHWEIG: And we look at MJO has
21 approximately 1,800 data elements. CMS has 755
22 data elements.

1 And you know, we are just now to a point
2 where people are -- they are in the habit of using
3 it regularly. So they're actually knowing when and
4 how they're supposed to input the data.

5 Quite frankly, if you ask us these
6 questions in five years, we can probably give you
7 a very, very solid answer. But we just haven't
8 been doing it long enough.

9 And we are about to have wholesale
10 changes to the UCMJ starting on 1 January. So you
11 might as well push the reset button on everything
12 we've done for the past five years that's really.

13 CAPT LUKEN: And one -- within my nine
14 offices, as of two years ago, I had three of them
15 operating on their own personal da -- on their own
16 local database.

17 And I had to get them all off that. And
18 said no. Get on CMS. Get onboard. But then I
19 hear, oh, CMS this, CMS that.

20 Now, yesterday I was talking to the
21 senior trial counsel, they're like, we love CMS
22 because we now know how to use it as a tool to

1 manage.

2 But it took us a couple of years to get
3 where we are now. So, sorry.

4 MR. McCLEARY: One thing that I will
5 just mention to the council, resources to consider
6 when you're looking at one part of 140a. Which we
7 were kind of talking about this morning to
8 consider, and filing documents and then making them
9 publically available.

10 Is that there are no standing courts.
11 And there isn't the equivalent of the clerk
12 function. All right.

13 You know, there's going to be an impact
14 somewhere in making documents publically available.
15 Okay.

16 CHAIR BASHFORD: Captain Luken,
17 unfortunately you pushed one of my buttons on your
18 --

19 CAPT LUKEN: I'm sure you're not the
20 only button I pushed.

21 CHAIR BASHFORD: Page 13. What's the
22 difference between blue on blue alleged sexual

1 assault and blue on blue sexual assault?

2 Both of those appear on there.

3 CAPT LUKEN: So, I purposely tried
4 pulling out all kinds of different things. What we
5 have here on the -- it's the descriptions you're
6 referring to, correct?

7 CHAIR BASHFORD: Yeah.

8 CAPT LUKEN: What those really are is
9 that is the individual trial counsel putting stuff
10 in for --

11 CHAIR BASHFORD: Well hold on. We're
12 the ones alleging it. If you're trial counsel, why
13 are you -- why does some of it say alleged?

14 CAPT LUKEN: I agree. It is and I have
15 some very sensitive junior prosecutors who I'm
16 still working on language.

17 And so, if I have my way, I will put a
18 hold on that. For instance what bugs me is when
19 and you'll see the whites because I have to pull
20 someone out.

21 When I hear someone who goes yeah, he
22 choked her. I'm like, he didn't choke her, he

1 strangled her. So that is 100 percent just simply
2 going, for prosecutors use our language.

3 But that is actually work product more
4 so then anything. So, but I want the prosecutors
5 to have that ability to have that description.
6 Because that is a workspace for them.

7 CHAIR BASHFORD: I was just about you're
8 the ones alleging it. Of course it's alleged.

9 CAPT LUKEN: Yeah. I underst -- I
10 completely understand. And I would --

11 CHAIR BASHFORD: It's not meant to be --
12 it's not meant to be a statement about the strength
13 of the case then?

14 CAPT LUKEN: That's absolutely correct
15 here.

16 CHAIR BASHFORD: Okay.

17 MS. LONG: But it provides that training
18 piece. Because he can look at that. And then he
19 knows he has to go back to someone and explain to
20 them.

21 CAPT LUKEN: Yes. Absolutely.

22 MS. LONG: Which is like I don't --

1 CAPT LUKEN: Choking and strangulation
2 is exactly one. I told them, I go, take choking
3 out. I want strangulation unless they took a
4 bottle cap when they threw her down and they're
5 choking on it. Now that's choking.

6 So, but it's educational.

7 CHAIR BASHFORD: That's a hard lesson to
8 learn.

9 MS. LONG: Yeah. I know. I know.

10 BGEN SCHWENK: Let me make sure I get
11 that, strangling --

12 (Laughter)

13 BGEN SCHWENK: Bottle cap.

14 (Simultaneous speaking)

15 CHAIR BASHFORD: Yes.

16 MR. KRAMER: Major Schweig, can I ask
17 you a question? You said something that was very
18 interesting to me.

19 That it's not a who done it type of
20 system for the most part. That it's a -- the
21 question is whether there was a crime.

22 So, if it's not a who done it, which is

1 -- the civilian system is somewhat of a who done it
2 sometimes, for certain crimes. And much more so
3 obviously.

4 Why is the conviction -- we've seen
5 conviction rates around 20, 25 percent, I think.
6 If that's the -- why is the conviction rate so low?

7 You may not know the answer. I'm just
8 -- why is the conviction rate so low if it's not a
9 who done it system?

10 MAJ SCHWEIG: Well, on a certain level
11 I think the who done it is an easier situation to
12 deal with. Because you know there's a crime.

13 And provided you can prove that you have
14 the right defendant sitting in the chair, there's
15 going to be a conviction. Presumably there's going
16 to be a conviction of that person.

17 In our situation, we know we've got the
18 right person. The question is whether or not the
19 facts, as we know them, actually equal a crime.

20 And that's always going to be a
21 judgement call in the minds of either the Judge or
22 the members. Because really, there's often no

1 dispute as to the facts. Or no real dispute, just
2 the facts.

3 It's just a question based on the
4 elements that I've been instructed on by the judge
5 and the facts I have. You know, if we can put
6 these together, do I actually have a crime?

7 And because that's the question, it's
8 not possible to resolve that with a paper for
9 example. And it's always going to -- I mean, it's
10 not really whimsical, but it may feel that way when
11 you're up presenting the case to the judge or the
12 members.

13 CHAIR BASHFORD: I saw a lot of rustling
14 from the staff table earlier. And I felt -- feel
15 like I short changed you this morning.

16 Do we have questions or discussion from
17 the staff?

18 MS. PETERS: I do have a question.
19 Taking things that the services track one step
20 further, can anybody give us, I guess, an example
21 -- or I'll give an example and see what are you
22 interested in tracking.

1 You don't just track the things. Can
2 you take something and analyze it? That's the
3 question.

4 Can you see how convictions or
5 acquittals are affected by changes to the UCMJ?
6 Are you able to somehow measure your systems?

7 A before and after effect of the changes
8 to the Article 32 procedure? That's something
9 maybe the committee staff and the committee is
10 interested in seeing if our data can address on
11 some broad level.

12 And I think that just makes the question
13 to the services, do you count numbers? Or do you
14 do analysis of at least the procedural posture of
15 cases.

16 Because you say you find trends. But is
17 there an analysis to explain the trends? At least
18 internally?

19 Is that what your systems help you do?
20 Or is that just bringing the right lines together
21 to do that off the grid, off of the system?

22 What's your approach there, you know,

1 using your systems? But somehow using data you
2 have to generate an analysis of what's going on in
3 the system.

4 My example provided was the Article 32
5 changes let's say.

6 CAPT LUKEN: Can I give a different
7 hypothetical?

8 (Laughter)

9 MS. PETERS: Sure.

10 CAPT LUKEN: So if I look at trends and
11 I take all my nine offices and I build up alternate
12 dispositions versus cases that are going forward.
13 And if I see one office that has a --- across the
14 path, way more alternate disposition cases, that
15 could tell me that they're afraid to take hard
16 cases forward. And I want to find out why. So I
17 have to go through that policy and draw out the
18 counsel.

19 What's going on? I want to start seeing
20 some of these cases at this level.

21 If I look across where their last year
22 and I see an office that didn't have one single

1 conviction, or has a very low, 20 percent
2 conviction, I want to know why that is.

3 Let me start looking at some of the
4 cases. Maybe I need to get TCAP in there to sort
5 of bring in some extra training or something of
6 that sort.

7 So, those are the type of trends that I
8 can look at. Thirty-twos, they're kind of a --
9 well, you know, I can look to see how many more
10 maybe this year have been waived, versus previous
11 years.

12 I know defense counsel have told us
13 nowadays that kind of 32 it's in their best
14 interest sometimes maybe just to waive it. And the
15 government's stuck with the charges.

16 But that also causes me to get -- to
17 tell my trial counsel, if you see a defense counsel
18 waive, you better figure out why they're waiving.
19 Because there may be something wrong with your
20 charge sheet you need to fix right away.

21 So, it depends.

22 MS. PETERS: So that's not statistical

1 analysis per se. But it is a way to analyze. It
2 prompts analysis --

3 CAPT LUKEN: It prompts analysis.

4 MS. PETERS: Of some sort.

5 CAPT LUKEN: Yes.

6 MS. PETERS: Okay. Thank you. Anyone
7 else have a comment on analysis you can do right
8 now to give a deeper level of explanation of a
9 change or something going on with the system?

10 LTC COATS: So, I mean, our system --
11 our system does reflect changes in the rules or the
12 Articles.

13 So, if we're looking, you know, a change
14 in Article 120, we can analyze prior to the change
15 and after the change. And any other change that we
16 put into MJO.

17 And we can also -- I'm not exactly sure
18 I understand your question. But, we can take
19 multiple, and we do, take multiple data fields that
20 we're interested in to try and correlate the two
21 data points.

22 So, we may look at, you know, types of

1 offenses and the prevalence of Chapter 10s.
2 Chapter 10's the administrative separation in lieu
3 of court martial.

4 So, yes. I guess we do that multiple
5 data fields within the system. And then try and
6 draw comparisons or explain why one data field is
7 resulting in a certain trend based on potentially
8 the trend of another data field.

9 MS. PETERS: That is what I'm talking
10 about.

11 LTC COATS: Okay.

12 MS. PETERS: Yeah.

13 COL WEIR: Can you look at your systems
14 and query them and say, how many of your sexual
15 assault cases that went to court martial did the
16 suspect or subject use alcohol, in the commission
17 of the offense?

18 Are your systems able to do that?

19 MAJ HORTON: I'd like to answer that.
20 So, no. I'll say the answer is no at this point.

21 And the Air Force just doesn't do that.
22 I think that's probably because the -- our system

1 isn't a menu driven system.

2 But what does that mean? So, you may
3 have a case where it starts as an investigation
4 that involved one fact pattern. It evolved.

5 And it involved other victims, other
6 offenses. And you have a radio button is this now
7 called an offense? Yeah.

8 So, you're looking at your data at a
9 particular point that may not actually be true
10 later on in a case. Then oh, I see. So the answer
11 to that, is add a second radio button that you
12 know, at every stage we track it.

13 So, I'll say that the system doesn't
14 have that, to answer that specific question. But
15 we do have the capability of saying like sex
16 offender registration requires it.

17 That's a data field in AMJAMS. It's
18 very similar to ones that have special entrance
19 data fields.

20 But even then when you're looking at it,
21 you've got to be very conscious of how a case
22 evolved. And not necessarily any sweeping

1 conclusions based solely off of percentage.

2 And similarly, going back to the
3 question in terms of analysis, that is something
4 that Air Force leadership and JAG leadership has
5 struggled with in analyzing our system.

6 Okay, we have a percentage. And we see
7 a drop or we see a raise. But what does that mean?

8 So do some attempt to analyze that. But
9 we're very conscious of not necessarily jumping to
10 conclusions based solely off of a percentage bump
11 or a percentage drop.

12 CAPT LUKEN: If I could draw your
13 attention to page 12 of the Navy one. So we break
14 out -- as you saw in this memo, we break out some
15 different of interest data fields.

16 So, if I was looking for a sexual
17 assault case that involved alcohol, that page at
18 the top, I would expect to see alcohol related
19 check, as well as sex offense dual checked.

20 And so we're able to then pull that up
21 there and sort of do that. Now again, I have to
22 rely on the trial counsel to make sure they -- or

1 the paralegal that they did that.

2 And that's part of our Article 6
3 process. I go in and do spot checks as well as
4 look to see the data.

5 So, it goes, is this all we have? To
6 the best of my knowledge, yes. Subject to garbage
7 in, garbage out.

8 CHAIR BASHFORD: But if it's checked,
9 you could then query that?

10 CAPT LUKEN: Yes.

11 CHAIR BASHFORD: So you could say in
12 2016 we had X number of cases where alcohol was
13 involved.

14 CAPT LUKEN: Yes.

15 CHAIR BASHFORD: Assuming it was checked
16 correctly.

17 CAPT LUKEN: Yes.

18 CHAIR BASHFORD: You would have to go
19 case by case by case.

20 CAPT LUKEN: Correct. Yes.

21 UNKNOWN: How about the Army?

22 LTC COATS: The Army -- I think this is

1 a perfect example. The Army does not have a data
2 field for al -- whether the offense involved
3 alcohol or not.

4 And I'm sure we could come up with a
5 list, you know, predicting what is going to be of
6 interest a year from now, two years. I think
7 that's going to be a fault in any system.

8 Whether it's a document-based system, or
9 I'm trying to go back into documents to determine,
10 you know, a data point. But, as in all of our
11 systems, it's an easily added field that we can
12 begin tracking it anytime.

13 And then yes, all of our data fields are
14 reportable. So that we can generate a report, you
15 know, all alcohol related offenses. Or all alcohol
16 related 120 offenses.

17 MR. MARKEY: So, this particular -- the
18 page you brought our attention to it, Captain, --

19 CAPT LUKEN: Yes.

20 MR. MARKEY: Are charges.

21 CAPT LUKEN: Yes, sir.

22 MR. MARKEY: So, if there was an alcohol

1 related charge that will show up.

2 CAPT LUKEN: Yes, sir.

3 MR. MARKEY: If it was not charged, if
4 there was no alcohol related charge but the course
5 of the investigation revealed there was alcohol
6 involved that would not show up here. Am I correct
7 or not?

8 CAPT LUKEN: That is incorrect. Alcohol
9 related means there was alcohol within the inves --
10 I would expect my prosecutors to where if alcohol
11 is related to, whether it was a theft or a sexual
12 assault, alcohol related would be checked in there
13 if there was alcohol even in the --

14 MR. MARKEY: I'm looking under charges.
15 And so, I'm assuming that that was charged.

16 CAPT LUKEN: There's no charges there.
17 So, I'm --

18 MR. MARKEY: Okay.

19 CAPT LUKEN: I see what you're saying.
20 You got it. Under charge type that is a matter of
21 --

22 MR. MARKEY: Under uncharged behavior or

1 other acts.

2 CAPT LUKEN: It is. Correct. So,
3 that's not --

4 MR. MARKEY: But it didn't really go
5 there.

6 CAPT LUKEN: It does. Based on my
7 training and talking with like -- and that's the
8 challenge we have.

9 MR. MARKEY: Okay.

10 CAPT LUKEN: Right. Because CMS is
11 owned by the Marines -- and I love the Marines --
12 but also, is that something that I can live with?

13 Or do I, do I go to Schweig and go hey,
14 you guys change this. And like, no. We're using
15 it for this purpose. But for the person we use it
16 on.

17 And so it goes to my training when I go
18 talk -- and our business rules, which we've
19 published to the council is I would expect that if
20 a defense type involves, has -- is alcohol related,
21 meaning the investigation there was something in
22 there that had alcohol related, I would expect that

1 to be checked.

2 MR. MARKEY: And if I were one of your
3 prosecutors, I would hope that I had that
4 information. So I would accurately document that.

5 This is not a charge of mine. This is
6 something that I read in the investigative file.
7 That there were drugs somewhere.

8 CAPT LUKEN: Correct. Oh, yes.

9 CHAIR BASHFORD: Well, do we have more
10 comments or questions from the staff?

11 MS. PETERS: Yes. This is for Dr. Beck.
12 If you could just share your perspective on what
13 you have found in your research is important to
14 know about a sexual assault case in order to
15 understand its outcome.

16 What have you found has been influential
17 or important to know?

18 DR. BECK: Sure. Actually I was
19 prepared to discuss that, but didn't. Well, let me
20 speak a bit about alcohol, and alcohol involvement.

21 A huge issue for rape and sexual assault
22 is consent. And the ability to consent. And when

1 there's alcohol involvement on the part of the
2 victim, consent becomes ambiguous.

3 And important to also identify the use
4 of alcohol by the defendant. And so alcohol is a
5 huge issue. It's not new.

6 It's central to an investigation. And
7 you have to capture it at the point of the
8 investigation.

9 The -- so, much of what you want to
10 collect is related to the nature of the incident.
11 And so in the civilian world, history of abuse.

12 Past violence, experience of violence.
13 Past reporting of abuse to the police. Very strong
14 correlates of, if you will the probability of
15 conviction.

16 Nature of the injuries. Again, the
17 alcohol and drug involvement by the defendant.
18 Those are big correlates of the probability of
19 conviction.

20 The -- less important is, you know, the
21 statement of the victim. More important is the
22 statement from the defendant. If you get

1 information from the defendant, largely the
2 defendant is revealing involvement, culpability.

3 And so in the process of investigation
4 and at the time of the arrest, you're obtaining a
5 statement from the direct -- from the defendant
6 seems to enhance the probabilities of successfully
7 pursuing the case.

8 The -- so we have in the data, from
9 administrative data based on prosecutors' records
10 and based on court records, those kinds of core --
11 some basic correlates.

12 Presence of a witness. Often times
13 children. And when you have a witness present,
14 it's very much linked to the successful prosecution
15 of the case.

16 In terms of substantiation process,
17 unfounded versus un-substantiation. Now the
18 problem when you have -- when you can't
19 substantiate whether a crime occurred or not is
20 that there is absence of evidence.

21 And so the case hasn't been developed or
22 -- properly. Or the investigators have not

1 recorded. Or simply the time between when the
2 incident occurred and when it comes to the
3 attention of the authorities.

4 It's so long that there's nothing there
5 other than a claim. A claim of -- an accusation.

6 So, much of -- many of the cases that
7 are not substantiated are linked to that absence of
8 evidence. Timing is very much a part of that.

9 There of course is unfounded. And
10 largely a determination that the claim by the
11 defendant -- by the victim is unclear.

12 It's simply there's evidence to suggest
13 that a crime didn't actually occur there. And then
14 there of course there is the founded cases, the
15 substantiated cases. And significantly determined
16 by the process.

17 So, that's what we know. We know that
18 the bulk of the rape and sexual assault cases are
19 misdemeanors. And they come into state courts.

20 And consequently upon conviction the
21 sentences reflect that. And this is all contained
22 in our study of cases of intimate partner violence

1 in state courts that track for what year since the
2 filing in the state court.

3 CHAIR BASHFORD: Terry, did I see you
4 standing up? Did you have a question?

5 MS. GALLAGHER: Yes, ma'am. It actually
6 it's kind of a couple of parts. If we could turn
7 to the command disposition reports, and whatever
8 each service is calling them.

9 And the question I have is whether or
10 not the command disposition report is being
11 maintained in your database? And if it's not being
12 maintained in your database, where is it being
13 maintained?

14 Is there any legal involvement in the
15 population of those command disposition reports?
16 And do you see as a user, your trial counsel, do
17 they see any value to the command disposition
18 reports? The forms that are being used?

19 If I could actually get an answer from
20 each of you, because I believe they are all
21 different.

22 CAPT LUKEN: Are you referring to the

1 monthly disposition report that is published?

2 MS. GALLAGHER: I'm talking about the
3 disposition report that seems to be required to
4 close out an investigative file.

5 COL WEIR: That would be the 4833. And
6 in the Air Force you have that through a two star
7 memo.

8 MS. GALLAGHER: And then the same
9 question Major?

10 MAJ HORTON: So for the Air Force, to
11 answer that question, I think multiple documents.
12 But I think the document you're referring to is
13 maintained by the Air Force Office of Special
14 Investigations in their case file.

15 That specific document is maintained by
16 them. So it's not maintained by our system.
17 Because it's an investigatory.

18 Now we do have other documents that doc
19 -- memorialize command action. And that's
20 maintained in the local legal office, not in our
21 system.

22 CHAIR BASHFORD: How about the Coast

1 Guard?

2 MR. McCLEARY: They normally CGIS only
3 reflects like the disposition information at the
4 command level when it's sent back to them. So,
5 it's not normally kept in the CGIS system.

6 It usually -- the document that would
7 reflect command decision of the disposition is
8 actually -- is maintained in the legal office that
9 was working that case.

10 CHAIR BASHFORD: Marines, please?

11 MAJ SCHWEIG: The Marine Corps, no
12 prosecutor will touch that form. And they probably
13 do not know it exists. It's completed by the Staff
14 Judge Advocate. And it advised that particular
15 command. And from there it's submitted to
16 Headquarters Marine Corps, where it is entered into
17 the DSAID database.

18 But really, for our purposes, the only
19 reason we do it is so that we can have a complete
20 DSAID entry. Well, that's not the only reason.

21 But, really the primary reason is to
22 ensure that we have good fidelity with data that

1 DSAID requires.

2 CAPT LUKEN: So Navy just changed our
3 practice about six months ago. From a prosecution
4 standpoint, we don't touch those forms.

5 Those forms are a command. It goes
6 through our OP NAV. What we are finding though is
7 some of the commands weren't turning those in
8 timely. And they were kind of hanging out there.

9 So we made a new business rule within
10 the prosecution shop that if the case is pending
11 alternate disposition, we will not close it out in
12 our CMS system until the command has provided us a
13 copy of that for us to upload.

14 So there's really two places where that
15 document is kept now. Through the DSAID process at
16 OP NAV. And then our trial counsel will have it
17 with the CMS, just as a business report.

18 COL WEIR: Does that get -- that form,
19 does that find its way into the NCIS case file?

20 CAPT LUKEN: Not through us. That would
21 -- most -- I believe it does. Because I believe
22 they're copied on it anyway.

1 But that's through the SJA and through
2 the command. I'm not necessary -- I know my office
3 -- offices, not mine.

4 But, real access would not be -- I might
5 be giving those to NCIS, but I believe NCIS would
6 be cc'ed on it.

7 CHAIR BASHFORD: Army?

8 LTC COATS: So for the Army ma'am, until
9 recently that 4822 was completed by the command.
10 Except now we have the ability, the JAG Corps has
11 the ability to provide disposition documentation in
12 order -- it's a criminal investigation division
13 form.

14 We are able to provide disposition data
15 so they can close that form out without the
16 commander. Because ultimately, the commander made
17 the disposition. And we have, as the prosecutor,
18 or the legal office, have that disposition document
19 that can do that.

20 One of the main -- one of the reasons
21 that we are now working and will have our alerts,
22 our criminal investigation division data system

1 talking with our military justice online, is for
2 the completion of that form. So, when we dispose of
3 a case in our system, we are able to push the data
4 back to the criminal investigation division system,
5 where they can populate their form, that 4833 with
6 our data. And so, that's how that -- those command
7 dispositions will be completed.

8 CHAIR BASHFORD: Colonel, anything
9 further?

10 BGEN SCHWENK: No. I think we're done.

11 CHAIR BASHFORD: Okay. Well, this
12 meeting promptly, that is closed at 3:15 on the --
13 Major King?

14 MAJ KING: Yes, ma'am. We still have a
15 nine minute quick hot spot for a session this
16 afternoon.

17 (Laughter)

18 MAJ KING: But, for my part I'm going to
19 say that this meeting of the DAC-IPAD is officially
20 closed.

21 (Whereupon, the above-entitled matter
22 went off the record at 3:15 p.m.)

A		
A.J 1:17	25:9 46:10 49:12	225:19
a.m 1:11 4:2 145:2	260:20 304:14,21	account 29:15
abandon 277:2	abuse 66:11 265:22	47:12,14,15 56:3
ability 26:6 30:6	284:22 287:8	57:3 66:15 67:12
35:20 37:7,8,10	320:11,13	72:15 141:8,10
91:18 102:3 173:8	ACA 201:9,14,22	232:21
179:14 200:19	202:16	accounting 189:22
230:12 232:18	academia 295:5	accounts 41:19
251:1 269:16	academic 54:20	42:2
279:13 285:8	accept 37:7 131:3,5	accuracy 72:18
296:16 304:5	187:7 199:5	76:15 78:11,13
319:22 327:10,11	acceptance 199:21	79:13,21,22 80:11
able 22:9 29:11	accepts 122:17	121:1 181:6
30:10 31:4 32:20	access 14:18 16:6	258:10
33:2 34:12 46:15	22:7,11,14 23:6	accurate 24:21
54:3 55:11 70:18	24:4 25:17,17	57:22 61:11,20
70:22 71:2 75:1	37:9 38:2,5,6,9,10	62:10 75:10 76:20
75:21 85:12 89:4	38:22 39:1,2,9	79:12 121:8,11
89:21 90:6 94:7	40:6,15 41:4 42:6	140:2 191:21
111:12 132:18	42:18 43:14 45:8	accurately 319:4
134:7 140:18	45:16 49:1 51:9	accusation 322:5
149:4,8 154:14	52:12,13,16 55:18	accused 159:15
166:4 167:5,6	56:3 91:7 92:20	179:11 194:16,16
168:3,21 169:7,16	93:16 136:21	249:5 260:14
169:20,22 179:17	141:1,21 143:17	accused's 211:3
184:2 190:7	165:13,17 166:5	212:3 219:19,20
199:15,16,20	167:3 193:16,20	acknowledging
200:11 206:16	193:21 205:7	43:16
209:21 210:13	230:2 232:21,21	ACMIS 200:16,16
211:13 212:14	251:3 254:22	201:6,7,14 202:2
213:5 215:5	256:4 282:16	202:7,14,22 203:6
216:21 217:15	283:3,3 327:4	acquired 234:18
218:3 223:9 244:8	accessed 53:22	235:22
244:9 245:16	54:1 229:21	acquisitions 277:9
256:4,8,9 260:7	accessible 232:20	acquittals 308:5
268:7 275:22	252:14	acquitted 64:2
280:15 308:6	accessing 17:19	97:14 106:9
312:18 314:20	167:11	130:11 204:7
327:14 328:3	accessory 248:13	act 5:9,21 6:18
abolished 56:13	accommodate 27:4	40:20,21,22 43:6
above-entitled	accommodated	56:12,15 119:22
145:1 328:21	19:20	181:15,15 201:5
above/below 32:7	accommodates	223:15 260:15
absence 185:4	16:17	271:1 279:1
321:20 322:7	accomplish 154:14	acting 61:3
absent 30:5,16	281:18 296:16	action 155:19,20
absolutely 21:7	298:3	156:21 157:1,12
	accomplished	157:13 160:17
		161:19 162:14
		194:9,10,11,13
		195:5 196:1
		197:14 199:17,18
		201:1,21 292:10
		324:19
		actions 193:3,13
		194:2,3,5,7
		197:12,20 200:5,7
		200:8 220:22
		228:18 229:12
		293:3,5
		active 39:19 41:20
		200:5 215:1
		216:12
		actors 117:3
		acts 273:9 318:1
		actual 121:19 170:1
		241:13 287:14
		adapt 261:20
		adapted 22:18
		add 98:1 101:11
		102:6 136:7 140:4
		154:15 165:1
		208:5 214:18
		222:5 232:16
		248:8,15 257:11
		259:13 261:3
		262:1,3 273:10
		287:3 296:3
		300:11 313:11
		added 12:8 18:7
		101:5 102:16
		103:14,16 200:9
		230:17 233:6
		241:11 245:22
		257:17,20 259:11
		263:3 273:13
		300:19 316:11
		adding 103:19
		108:8 206:10
		213:21 231:5
		262:16 263:3
		addition 11:11
		41:20 59:15
		174:17 202:21
		203:6
		additional 59:18,19

160:16 170:8
 173:15 176:17
 196:6 283:10
Additionally 40:11
 65:22
address 13:8,8
 15:1 141:13,17
 142:19 253:13
 280:15,18 308:10
addressed 135:2
addressing 181:5
adequate 44:5
Adjourn 3:22
adjust 20:16
admin 156:22
administer 192:20
 230:13
administered
 229:16
administration
 193:13 227:14,20
 227:21 230:5
administrative 7:13
 9:7 26:15 29:7
 30:22 31:6 38:3
 41:12 64:17 69:4
 81:22 97:2 99:9
 138:4 155:20
 176:1 185:13
 193:4 236:7,11
 237:2 240:4,7
 280:1,12 298:13
 312:2 321:9
administratively
 184:7
administrators
 265:7 266:4
admitted 258:15
Adobe 197:16
adopt 187:4
adopted 29:14
 184:20
adoption 38:18
 186:19
adult 155:13
adults 183:1 191:7
advance 170:14
advanced 62:19

advantages 91:2
adverse 159:2,13
 159:15 193:13
advice 18:17,21
 42:11 56:18 68:14
 79:8 80:16 137:16
 151:9 161:5 211:6
 211:8 222:13
advisable 223:17
advise 5:10 7:8
 137:6
advised 325:14
advising 229:1
advisor 2:9,11,12
 2:15,18,20 180:15
advisory 1:3 2:16
 4:5,19 29:22
 171:15
advocacy 61:4
advocate 49:15,16
 117:9 119:18
 132:2 147:19
 148:8 149:6 150:2
 151:9 161:5,22
 221:13 228:9
 280:5 291:8
 325:14
advocate's 86:1
 161:18
advocates 123:7,9
 230:4
Affairs 54:6
affect 6:21 33:4
 66:6 179:12
affectionately
 205:15
affidavits 43:4
afraid 150:3 309:15
afternoon 180:12
 180:13 192:7
 221:9 227:2
 233:18,20 328:16
age 65:19 71:21,22
 74:12 86:17,17,19
 109:12 132:17
agencies 39:12
 61:2 63:20 64:10
 65:1 95:15 182:22

183:9,20 184:1,7
 184:21 185:21
 186:6,7 187:2,8
 264:8
agency 21:12 56:16
 63:4,16 81:21
 83:22 126:2
 180:16 181:7
 199:9
agendas 42:13
agent 211:11 215:4
agents 186:5
aggregate 50:10
 54:22 92:9
aggregated 51:2
 98:14 110:12
 140:19
ago 36:15 147:3
 212:19 216:9
 235:15 300:6
 301:14 326:3
agree 51:17 84:8
 119:13 120:4
 248:1,4 257:2,15
 261:19 263:2
 265:14 271:14
 272:9 279:9 288:1
 303:14
agreed 156:15
 165:10
agreement 8:19
 58:10 64:4 92:2,4
 94:12 123:6
 129:18 130:5
 204:8 213:14
 255:11 264:22
agreements 43:10
 69:10
ah 133:9
ahead 109:6 112:7
 131:17 166:21
 178:4 294:5
aid 196:15
aim 114:10
Air 70:17 156:2
 227:6 228:11
 229:20 230:10
 231:5 232:6 243:4

243:6,11 247:14
 261:4,5 276:19
 282:3 288:13
 312:21 314:4
 324:6,10,13
al 316:2
Alabama 229:20
alcohol 270:6
 312:16 314:17,18
 315:12 316:3,15
 316:15,22 317:4,5
 317:8,9,10,12,13
 318:20,22 319:20
 319:20 320:1,4,4
 320:17
alert 49:18 199:9,11
 199:15,21
alerts 199:10
 327:21
algorithm 72:9
algorithms 43:19
 44:2 133:15
alien 65:15
aligned 88:13
all-in 22:3
allegations 5:12
alleged 13:10
 159:21 302:22
 303:13 304:8
alleging 303:12
 304:8
Allen 180:14
allow 10:6 11:7,18
 44:12 47:7 52:16
 62:2,4,5 70:7 72:6
 110:15 136:4,10
 140:20 150:5
 247:22 258:21
 286:1
allowed 51:9
allowing 22:6
 202:19
allows 11:15 12:1
 27:12 45:22 54:14
 113:6,8 198:7
 203:1
Alpha 111:22 180:4
 180:7 192:11

alternate 2:13
309:11,14 326:11
alternative 236:3
Alternatively
244:12
amassed 58:2
amateur 221:15
ambidextrous
102:11
ambiguous 320:2
ambush 46:21
amended 5:10 57:2
AMJAMs 228:14,17
229:4,8,14 231:7
232:14 262:1
282:22 313:17
amount 19:19
24:22 25:1 30:1
31:1 46:19 63:7
119:20 132:12
141:4
analogy 224:11
240:10
analyses 58:1
60:20 61:5
analysis 30:9 58:13
60:8,14,16 61:2,7
63:5 65:8 88:15
88:21 95:10 99:21
100:5 114:15
152:16,20 153:21
155:16 157:18
160:15 166:8,10
169:19 172:12
188:9 222:8
223:18,21 224:20
225:2 228:14
229:5 241:14
242:8 244:4,12
246:13 247:1
261:7,21 283:5
308:14,17 309:2
311:1,2,3,7 314:3
analyst 115:12
analysts 18:12
112:18,22 120:22
analytical 62:21
analytics 55:10

75:14,21 80:2
analyzable 247:21
analyze 222:11
271:6 308:2 311:1
311:14 314:8
analyzed 176:3
183:15
analyzers 154:6
analyzing 120:15
231:17,18,18
314:5
Anderson 5:4
Andrews 227:7,10
227:10 228:10
229:17
android 255:2
anecdotal 87:10
annual 32:13,21
annually 58:12
anonymized
150:11
answer 31:5 35:1,5
44:11 68:3 72:22
99:6 126:16
128:12 153:11,11
213:9 226:11
241:2 244:21
252:7,8 278:20
285:5 293:9 301:7
306:7 312:19,20
313:10,14 323:19
324:11
answered 23:17
124:6 286:14
answers 90:6
119:11
anticipate 5:5
166:17 170:18
183:13
anticipated 157:4
Antonio 50:16
anxious 103:21
anybody 33:13
114:4 145:9 165:8
172:7 173:17
256:4 307:20
anymore 163:2
anytime 316:12

anyway 148:11
247:14 248:12
249:15 326:22
Anyways 257:5
AO 9:14,16 10:2
19:18 34:1 51:14
51:15
apart 33:5 34:10
168:18
apologize 199:10
app 248:7,11
apparent 9:21
161:17
apparently 55:13
162:7
appeals 35:12
57:16 59:21
200:18 201:22
237:18,19 238:15
appear 106:12
285:1 303:2
appearance 48:3
151:12
appears 16:3
148:20
appellate 9:8 10:12
10:14,19,21 11:1
15:18 201:1,19
202:3,8,18 212:11
228:21 229:8,13
230:18,19 236:5
237:19 238:20
Appendix 223:14
223:18 242:2
applicable 139:1
application 11:8
192:16 203:21
225:5
applications 15:16
15:17 192:14
226:13
applied 59:9,11
127:16 222:9
applies 39:14
apply 31:18 65:22
105:21 127:3
applying 223:21
appointed 5:1

56:17
appreciate 118:6
120:7,10 144:14
156:11 253:7
267:3 287:1
appreciates 68:2
appreciating 287:4
approach 70:8
152:13 153:19,20
154:10,17 172:20
221:20 266:18
308:22
appropriate 91:17
110:21 120:17
296:17
appropriated 62:13
approval 177:11
201:14
approved 92:2
201:15
approves 15:12
approximately 35:6
39:18,22 41:19
57:20 191:5 200:3
200:4 217:16
300:21
April 1:8 175:6
architect 143:10
area 31:17 75:7
184:16 252:5
areas 60:11,11
61:18 175:13
219:15
arena 61:12
argument 285:11
arisen 87:18
arises 142:6
Arlington 1:11
armed 1:4 4:7,21
5:14 7:1 201:22
236:9 238:9 265:2
275:21
arms 76:2 286:15
Army 2:6 70:14,16
83:15 151:7 156:3
192:9,12 194:19
195:13,21 198:18
200:15,18 204:11

- 219:16 232:18
233:10 245:19
247:13 263:1
279:17 315:21,22
316:1 327:7,8
Army's 252:9
Army-wide 204:11
arraignment 201:4
arrest 188:21
191:15 321:4
arrested 94:2
118:12 191:6
250:6,9
arresting 13:6
arrests 94:7 190:15
190:18 191:7,9
arrival 5:5
arrived 280:10
article 5:18,21
111:22 131:12
174:11 175:3,9,15
175:19 176:3,8,13
192:11 198:5
209:11 234:11,12
235:20 277:16
279:16 308:8
309:4 311:14
315:2
articles 130:7,15,17
311:12
artificial 75:14
aside 72:6
asked 9:16 35:14
63:1 75:4 136:16
165:12,22 168:15
171:3 211:15
248:21 287:6
295:15 297:1
300:1
asking 54:5 93:7
119:2 147:17
164:19 166:22
167:1,3 272:16
284:12,20,21,22
295:19,19
aspect 29:1 103:8
103:19 234:12
263:10 266:9
- 281:10,15,16
aspects 117:15
119:14 133:4
198:10 229:18,18
291:7
aspirational 208:8
208:10
assault 1:3 4:7,21
5:13 6:13,22 7:4,9
105:12 106:8,9,12
106:16 111:8
112:3 142:12
148:17 154:1
174:22 175:18
176:5,11,22 177:3
177:9 179:6
181:11,13,18,19
182:6,9,12 184:4
184:15 188:9
191:2 211:2
222:14 224:1
235:9 245:12
253:9 270:1,5,19
274:10 284:10
285:2 287:5,9
288:16,21 290:20
303:1,1 312:15
314:17 317:12
319:14,21 322:18
assaults 188:15
253:21 280:8
assess 87:22
assessment 160:19
161:8 174:14
assigned 66:2
194:1
assignments 274:8
assigns 211:18
assist 174:21 187:5
assistance 43:9
67:20 177:4
186:12,12,13
187:11 210:6,7,9
212:5 259:7
assistants 16:9
associated 40:3
51:12
assumed 88:4
- assuming** 126:16
170:12 315:15
317:15
assured 172:10
astounding 32:15
astounding 31:17
224:8
ATMIS 201:2
attached 27:18
169:1 289:2
attachment 199:1
attachments 25:21
196:1
attack 173:6
attempt 314:8
attempts 244:14
attend 223:10
attendance 4:18
attended 239:22
attention 46:14
123:11 133:6,7
183:12 197:6
214:14,22 217:9
218:16 224:5
263:12 314:13
316:18 322:3
attorney 2:11,12,15
2:16,18,20 12:6
12:10,19 13:7,21
14:1,4,9,11 27:8
38:1 44:15 133:7
134:7,10,11 135:1
136:5 137:13
250:10
attorney's 13:5
37:8 134:1 282:20
attorneys 9:10,15
9:17,20,21 12:7
12:16 14:6,17
22:20 23:9 28:4
37:4,14 39:11
40:11 64:12
100:19,22 135:4
143:3 180:22
185:15 260:6
attorneys' 23:13
attribute 95:12
audience 8:2
- augment** 102:3
184:19
August 167:1
authenticated
53:21
authentication 41:1
41:5 54:14
authorities 118:10
131:17 132:1,8
192:17,18 208:3
220:21 322:3
authority 118:2,14
132:4 152:16
160:11 161:2
172:9 222:13,16
242:3 293:14
authority's 201:21
authorization 5:9
5:20 43:6
authorize 46:17
authorized 17:15
45:14 57:5,6
62:12
Automated 228:13
automatic 12:5
automatically 12:8
50:3 139:12
210:14 211:2
219:21 233:7
availability 236:20
available 7:10
34:22 39:10 42:17
42:18,19 52:3
54:2 55:11 60:2
61:9,17 62:15
65:3,6 76:3 91:4
91:11,15 92:5
104:17 106:4
124:5 138:13
139:1,4 177:8
185:19 195:6
203:16,20 204:14
237:7,17 239:6
302:9,14
average 112:12,14
130:15,17 208:12
avoid 46:21
awards 109:10

aware 215:13,13
242:17 273:20
Awesome 216:6
awful 111:1
AWOL 284:21
AWOLs 284:8
aye-aye 153:7

B

B 1:15 2:6
back 29:17 49:19
51:8 52:7 53:14
53:19 54:14 73:5
74:9 79:14 87:3
98:15 100:15,18
103:6,14,15 108:3
113:10 115:5
120:20 121:12
128:5 134:14
135:11 150:7,12
150:13 151:3
158:2,22 161:12
166:12,15 170:5
173:4 186:18
190:6 191:13
199:20 211:14
213:7,17 214:12
226:22 259:14
261:9 273:15
276:22 278:18
280:16 297:17,20
304:19 314:2
316:9 325:4 328:4
back-to-back
215:22
background 78:20
115:11
backside 206:8
backstop 208:19
backwards 101:16
217:7
bad 219:2
Bahrain 298:20
bail 42:21
balance 42:6
153:16 267:18
ball 166:7
bank 47:12

bankruptcy 9:9
10:3,11,14,19,22
11:3 15:19
banner 41:8
bar 41:22
base 227:7,10
229:20 242:11
252:17
based 6:6 30:5 52:5
67:8 85:5 93:20
94:4 115:16
116:20 120:3
152:11,14 160:19
160:21 161:8
169:18 170:18
175:7 184:5
186:17 190:7
197:13 223:17
231:21 242:2
246:9 249:7 307:3
312:7 314:1,10
318:6 321:9,10
Bashford 1:12,14
4:15,16 9:2 30:12
33:5 34:9,16 35:3
37:16,19 44:9
46:2 50:4,21 51:6
53:5,11 56:5
80:21 81:12 95:16
96:3 98:13 101:2
101:4,8,12,15,18
112:17 113:4
137:19 138:2
144:18,22 145:4
147:4 154:19
155:4,6 164:3,9
164:12 170:11
171:1 173:22
174:7 178:1,8,10
178:14,17 179:22
180:10,13 185:20
188:1 190:14
192:3 204:17
221:5,8 226:17,22
233:17,20 234:2
241:3 242:9 243:4
243:9,21 244:1
245:3,7,9,15,19

246:6 251:8 264:6
271:9,19 287:17
287:22 288:3,7
289:7 290:12
291:12,21 302:16
302:21 303:7,11
304:7,11,16 305:7
305:15 307:13
315:8,11,15,18
319:9 323:3
324:22 325:10
327:7 328:8,11
basic 13:6 88:7
182:17 194:15,16
321:11
basically 155:19
217:12 219:12
239:5 253:17
265:5 289:20
basis 88:1 152:12
192:2
batch 241:6
bean- 205:13
bear 129:1
bearing 65:20
123:1 130:1
Beck 180:12,14,14
186:3 188:12
190:19 264:5,7,12
272:7 299:13
319:11,18
becoming 171:8
began 9:13 10:8,13
30:3 77:21,22
beginning 30:15
74:6,16 80:20,22
84:10 105:20
108:2 116:22
135:7 143:10
146:9,16 170:4
229:12
behalf 93:1 261:4
behave 150:21
behavior 150:20
317:22
believe 31:11 48:8
94:11 154:3 155:1
155:2 156:15

184:9 204:20
233:5 235:12
323:20 326:21,21
327:5
believed 148:7,9
believes 46:6
bell 163:7
belonging 172:6
benefit 46:6 85:19
86:20 131:18
132:17 207:18
259:19
benefits 9:19
145:16 212:13
best 3:12 6:7 7:10
7:15 27:22 48:10
67:6 77:2 82:18
84:8,9 126:3
146:11,12 176:4
183:7 260:6 262:5
295:9 310:13
315:6
Beta 206:14
better 4:8 27:5 31:5
132:18 152:21
156:11 187:19
208:15,16 212:15
218:1 260:4
273:12 276:5
310:18
beyond 67:17 79:4
131:7 290:6
297:19
BGEN 113:13,19
116:9 152:5 155:2
155:5,7 156:18
164:5,7 171:6
172:19 173:11
178:20 180:7
210:5,7 228:3,6
244:16 245:2
246:11 248:3
252:22 261:22
262:7 263:1 275:6
275:10 279:2,5
288:16,20 294:22
297:10,13,18
305:10,13 328:10

biannual 239:21	boss 226:18 271:5	build 143:8 183:10	136:15 154:3
biased 79:3	bottle 305:4,13	183:11 221:13,22	191:12 234:17
big 55:9 69:18	bottom 109:20	309:11	270:22 313:7
70:15 74:7 80:1	bottom-up 225:11	builds 195:5	calling 323:8
102:4 110:22	226:7	built 19:18 143:4	calls 42:3 167:18
118:7 162:17	box 43:15 115:17	bulk 108:18 188:14	167:19 170:8
188:10 219:5	121:11 138:22	188:14 322:18	211:11 212:18
243:2 260:5 277:1	151:2 198:14	bullets 211:21	213:20 257:21
320:18	boxes 25:14 107:19	bump 269:3 314:10	279:19
big-data 30:9	149:17 214:16	bunch 77:8 247:5	CANNON 1:15
bigger 238:7	Brady 107:9	254:7	116:14 119:7
bill 141:16	branch 8:22 29:8	Bureau 7:14 64:14	145:22 261:1
billing 41:9 141:5	61:2 81:21 189:12	180:15,20 181:4	Cannon's 120:11
billion 39:3	189:12 237:15	busiest 253:8	cap 39:13,16 305:4
bills 39:17	294:11 297:4	business 10:16	305:13
binding 173:14	break 234:5 314:13	15:20 211:4	capabilities 3:15
bio 83:13	314:14	318:18 326:9,17	7:19 196:20 282:6
bipartisan 56:16	breakdown 118:16	button 196:5	capability 146:4
bit 35:4 37:20 69:7	brief 234:6	198:13 243:14	194:18 195:20
117:18 178:4	briefed 229:22	301:11 302:20	196:14 197:22
212:14 216:8	briefs 9:11 202:5	313:6,11	199:8,14 201:7
267:15 272:5,20	BRIG 1:19	buttons 195:2	202:16 208:5
293:21 300:17	brigade 150:14	258:22 302:17	229:10 271:2
319:20	194:7	buying 240:11	313:15
BJS 185:1	brilliantly 31:19		capable 30:8
black 53:20	bring 21:12,13	C	234:21 238:18
blah 113:11,11,11	117:10,20 158:13	C 1:20	capacities 183:4
113:11,12	224:4 256:22	CAC 193:17 232:20	capacity 129:13
blank 103:1 127:19	270:21 286:7	CAC-enabled 230:1	186:10 188:13
128:9	310:5	calculate 72:12	284:15
blended 18:11	bringing 94:18	calculates 92:16	Capitol 167:20
bless 83:12	169:20 308:20	184:12	168:11
blessed 188:2	brings 288:3	calculation 225:18	CAPT 204:20 205:4
block 109:19,20,20	BRISBOIS 1:14	calendar 139:15,20	210:6,8 216:6
110:1 170:2 214:1	146:21	169:12 191:2	221:7 245:4,8,11
blow 83:9	broad 7:5 308:11	195:2 203:9	245:18 248:1,5
blue 302:22,22	broader 38:13 86:3	call 18:11 73:6	251:22 257:2
303:1,1	247:17,19 270:9	106:1 128:8	258:8 259:8 264:1
board 104:21	broken 208:7 215:2	135:13 136:12	267:10,19 270:12
133:18 157:14	brokers 39:11	137:12,14 140:16	271:18 272:5
169:20 206:20,22	brought 55:14 98:3	168:9,11 181:22	275:12 279:9
207:1,9,12 215:9	110:12 111:13	209:2 213:18	287:3,14,20 288:1
215:10 217:2,4,15	118:21 129:1	272:16 278:15	288:6 289:14
217:18 218:7	160:1 188:7	296:7 306:21	293:11 294:17,20
book 120:1 138:7	214:14 218:15	called 27:9,10 49:8	295:3,7,17 298:6
138:12 140:5	226:22 235:8	50:14 54:7 83:18	298:18,22 300:3
boom 102:15	316:18	105:20 106:1	301:13 302:19
BOP 185:15	bugs 303:18	123:11 126:21	303:3,8,14 304:9

304:14,21 305:1
 309:6,10 311:3,5
 314:12 315:10,14
 315:17,20 316:19
 316:21 317:2,8,16
 317:19 318:2,6,10
 319:8 323:22
 326:2,20
Captain 215:11
 221:17 232:10
 267:4 287:18
 302:16 316:18
capture 31:20
 68:10 73:7 80:6
 93:4 97:17 98:19
 107:5,5 116:21
 129:3,9 146:9
 151:2 189:4 320:7
captured 13:13
 30:9 32:12 72:16
 80:19 97:1 98:7
 98:10 99:1 160:17
 201:5,20 202:1,10
 286:19
captures 75:16
 98:11 139:12
capturing 34:6
 35:22 210:16
 262:22
card 141:11,12,17
 141:21 142:1
care 99:11,11
 225:20 228:1,3,6
 240:20 247:9
 249:8 271:14,19
career 132:16
careful 49:5 90:3
 95:10 213:19
 214:17
carefully 85:7
 109:21 133:8
carrying 207:21
Carson 2:8 8:10
case 3:12,16,20
 6:13,15 7:9 9:6,6
 9:17 10:5,7 11:10
 11:13 12:7,17
 13:1,6,14,15,20

14:19 16:4 19:3
 25:4,8 26:3 29:16
 30:7,15 34:12,15
 38:18,19 41:1
 42:15 43:14 46:18
 48:3,11 49:17,19
 50:2,8,14,18,20
 52:4,20 53:2,19
 55:4 58:7 59:4,6
 59:11 64:6 70:21
 71:2 73:3 74:14
 74:17 96:4,5 97:3
 97:4,6,13 98:18
 98:19 104:3,5,9
 104:11,14,17
 105:16,17,20
 106:2,4 108:13
 112:10,12 115:12
 115:21 116:15
 117:10,20 118:3
 118:14,21 122:11
 127:3,17 129:18
 130:5 134:22
 135:1 140:8,10
 143:7,21 145:5
 148:7 150:2
 151:10,21 152:4
 153:22 154:2
 155:9 160:8,9,15
 162:3,14,16,22
 163:11 165:1,15
 167:1,10 168:22
 171:22 175:14,16
 176:11 179:13
 185:16 188:20
 192:9 196:12
 197:2,3 199:2,22
 200:17,21 201:8
 201:15,16,18
 202:11 203:10,11
 205:22 206:2,2,10
 207:3,8 209:4,14
 210:19,19,19,22
 211:7,9,10,13,15
 211:16 212:3,11
 212:16,18,22
 213:3 215:1,7,9
 216:10,15 217:2

222:3,8,11,18
 227:22 228:13
 230:19,20 231:9
 234:12 235:6,9,17
 236:15,16,17,19
 241:14,21 242:5
 243:8,17 244:4,11
 245:16,17 246:12
 246:22 247:9,18
 248:18 252:10,11
 254:18 260:7
 261:13 262:20
 264:10,12,13,18
 267:20,21 268:18
 269:12,14 270:15
 270:17,19 271:10
 273:3 278:1
 280:18,19 281:12
 282:20,22 283:6
 284:18 292:5,8,12
 292:13,17,20,22
 293:8,15 297:18
 304:13 307:11
 313:3,10,21
 314:17 315:19,19
 315:19 319:14
 321:7,15,21
 324:14 325:9
 326:10,19 328:3
case-related 9:11
case-specific 39:15
caseload 231:18
cases 6:2 7:4 9:10
 9:14 11:1 12:3
 14:15 22:12 28:8
 30:19 31:3,3
 32:18 33:7,10,18
 33:18 35:2,6,7,17
 39:2 43:21 47:13
 50:6,19 51:21,22
 52:7 55:16 58:19
 60:20 63:13,22
 64:1 65:15,16,17
 68:7,12 75:6
 79:10 99:19 103:9
 104:7 105:12,14
 111:8,13 112:19
 113:2 115:2 116:2

116:7,17,18
 129:19 130:9,19
 130:20 135:5
 142:10 143:5
 144:6 148:17
 149:13 155:13
 156:2,3,5,13,21
 157:2 161:9,11
 165:14,17 167:10
 168:16,18,21
 174:22 175:18,21
 184:11 188:6
 189:22 191:11,14
 193:10 196:16
 205:21 206:4,16
 206:16,19 207:21
 207:22 208:22
 209:14 211:2
 212:14,14 213:12
 214:7 215:3,3
 216:12,13 217:14
 217:17 218:2,2,6
 218:11,12 222:14
 224:1 229:3 230:5
 230:20 231:1,12
 231:20 233:3
 234:8,21,22 235:2
 237:22 239:1
 241:9 242:14
 248:21 260:7
 267:14,14 268:6,9
 268:11,14,16
 269:8 270:1,10
 271:3,8,15,21
 272:18 273:6
 274:1,4,9,10
 276:2,15 284:10
 284:19,21,22
 285:2,6,9 286:7,8
 287:5,7,7,7,8,9,11
 289:15,18 292:9
 292:19 308:15
 309:12,14,16,20
 310:4 312:15
 315:12 322:6,14
 322:15,18,22
CASSIA 1:20
cast 84:9 85:10

86:3
catch 133:16
categorically
 278:21
categories 16:5
 33:21 157:17,17
category 128:15
 156:22
caught 167:8,13
causation 93:19
cause 40:12 161:18
 162:1,2,6,8
 222:17,18,20
 223:12,17 242:1,4
 272:22 273:1
 292:16
caused 269:15
causes 310:16
causing 218:21
cc'ed 327:6
CD 169:1
cease 185:6 236:2
ceases 240:21
cell 225:5 226:13
center 1:11 29:8,9
 31:8 42:1 50:15
 82:1 138:7 227:19
 239:9 240:3,14
 290:1
centers 24:2,11
 70:13
central 57:10 84:3
 98:15 108:16
 109:17 145:17,18
 231:17 320:6
centralization 84:1
centralize 113:22
 291:2
centralized 290:22
cents 39:13
century 224:6
certain 29:15 40:13
 71:18,21 76:11
 85:22 102:14
 104:11 105:21
 126:19 128:14
 130:7 140:15
 195:10 198:6

223:22 230:16
 232:6 253:13
 255:6 278:10
 279:13,14 306:2
 306:10 312:7
certainly 34:14
 43:21 44:5 67:1
 86:11 91:9 109:16
 110:3,18 119:12
 136:1 137:4
 142:12 184:2,3
 185:18 231:14
 263:22 265:8
cetera 24:19 43:10
 175:22
CG 151:6
CGIS 235:6,9 325:2
 325:5
chain 179:17
 195:16
chair 1:12,14 4:10
 4:16 8:7 9:2 30:12
 31:10 33:5 34:9
 34:16 35:3 37:16
 37:19 44:9 46:2
 50:4,21 51:6 53:5
 53:11 56:5,7
 80:21 81:12 95:16
 96:3 98:13 101:2
 101:4,8,12,15,18
 112:17 113:4
 137:19 138:2
 144:18,22 145:4
 147:4 154:19
 155:4,6 164:3,9
 164:12 170:11
 171:1 173:22,22
 174:7 178:1,8,10
 178:14,17 179:22
 180:10,13 185:20
 188:1 190:14
 192:3,7 204:17,20
 221:5,8 226:17,22
 233:17,19,20
 234:2 241:3 242:9
 243:4,9,21 244:1
 245:3,7,9,15,19
 246:6 251:8 264:6

271:9,19 287:17
 287:22 288:3,7
 289:7 290:12
 291:12,21 302:16
 302:21 303:7,11
 304:7,11,16 305:7
 305:15 306:14
 307:13 315:8,11
 315:15,18 319:9
 323:3 324:22
 325:10 327:7
 328:8,11
chair's 173:7
Chairman 8:18
challenge 43:19
 118:7 189:10
 191:17 257:7,13
 260:5 261:17,18
 279:11,15 284:16
 285:3,22 286:10
 286:15 287:15
 290:9 318:8
challenges 35:22
 189:19 256:11
 287:2,4 290:6
challenging 117:21
 181:15 260:17
chamber 12:2 16:8
chance 28:11
 134:13 145:6
 158:3
change 103:21
 125:17 168:22
 186:13 257:9
 262:1 278:10
 297:5 311:9,13,14
 311:15,15 318:14
changed 23:13
 29:14 257:7
 307:15 326:2
changes 6:21 7:2
 36:8 122:20
 146:22 216:11
 231:19 296:20
 301:10 308:5,7
 309:5 311:11
changing 57:3
Chapter 312:1,2

character 163:11
characteristics
 66:10 86:6 89:7
charge 40:16 93:2
 93:3 94:18 97:21
 99:10,11 128:18
 129:16 195:15
 196:2,8 310:20
 317:1,4,20 319:5
charged 15:7 39:12
 39:18 93:15 94:9
 100:9 129:22
 148:15 204:6
 247:16 285:20
 286:9 317:3,15
charges 64:3,6
 94:13,16,22 95:3
 96:4,5,6,11,22
 97:7,20 98:3
 106:8,8,10 110:12
 118:1 128:14
 155:19 188:7
 196:3,8,9 212:5
 235:3 293:2
 310:15 316:20
 317:14,16
charging 58:8
 92:13 97:22
charts 80:9
CHAYT 2:10
check 43:15 49:20
 149:17 314:19
check- 107:18
checkboxes 211:22
checked 314:19
 315:8,15 317:12
 319:1
checklist 210:10
checks 315:3
CHIEF 131:14
 174:8 178:12,16
 178:18 179:1
 274:7
child 90:15 134:17
 268:18 269:11,11
 287:7,8
children 179:5
 321:13

chill 118:8	clean 70:4 78:22 116:9,10	CM/ECF 9:7,12 10:10,13,15,18 11:6 12:1 14:5,8 14:16,21 15:1,4 19:17 20:3,9 21:8 22:11,20 29:4 31:14 38:20,22,22 39:4 40:3 43:11 43:14 142:22 236:8,12 237:7,11 237:14,17,22 238:5,15,19 239:2 240:7 282:14	125:15 138:6,12 140:5,14,17 141:15 167:21 221:22 257:3 279:10,11 280:11
choice 81:1,11	cleaned 79:1,1,16 126:8	CMCR 201:2,14,17	coded 59:3 76:11 104:9 115:3 118:5
choices 139:6	cleaning 62:7	CMCRs 200:21 201:12	coder 221:15
choke 303:22	cleans 78:3	CMS 205:8,22 206:13 207:5 209:8 210:18 211:8,13,17 212:3 212:13 213:6,21 214:9,20 216:9 218:3 219:1,13 220:1 249:4 257:16 259:19,22 268:7 273:11 300:16,21 301:18 301:19,19,21 318:10 326:12,17	codes 81:9 102:10 138:9,18,22 139:3 139:3,7,22 140:5 140:7,11 190:8
choked 303:22	clear 90:9,10,11 137:2 170:13,16 170:16 262:14 277:14	CMSAF 1:18	coding 81:4,8 103:15 113:9 115:4 145:20
choking 305:1,2,5 305:5	clearinghouse 51:14	Coast 70:14 234:10 234:16 235:4,13 235:18 240:15 243:7,12 324:22	COL 172:22 312:13 324:5 326:18
choose 93:2 139:2 192:6 242:14	clearly 81:6 88:15 117:21 125:18	Coats 192:7 229:22 245:20 246:8 250:14,18,22 251:6,12 252:7,20 253:3 263:2 280:20 281:2 292:2 300:18 311:10 312:11 315:22 327:8	colleague 295:4
chose 81:6 114:1	clerk 16:10 47:18 136:20 201:15 302:11	cocaine 250:5	colleagues 14:20 15:3 47:5
chosen 125:10	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2	code 5:18 11:12 27:18,18 51:21 52:1,6 81:3,6 96:11 106:11	collect 52:17,19 57:7 59:18 61:18 63:19,22 64:3,7 64:11 65:13 66:4 66:9 67:4,15 73:1 73:2,12 74:19 75:1 77:14,19 78:14,20 81:16 84:6 85:15 86:5 86:11 88:7 91:3 99:20 100:16 101:13 102:5,7,16 108:21 109:8,22 110:20 111:1 118:18 126:5 128:5 169:16 176:11 245:4 266:8,11 281:21 283:4 286:7 320:10
chronology 211:20 213:6	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		collected 6:14 33:21 34:20 41:6 50:22 62:3,8,16 62:22 63:7,15 64:20 65:5 71:7 71:10,18 73:14 74:6,15 76:7
CHUCK 2:15	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
Chuck's 157:8	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
CID 117:4,12 199:9	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
circumstances 179:10	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
citation 13:10	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
city 41:22	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
civil 11:13 25:8 28:9 29:22 34:7 35:7 52:6 75:6	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
civilian 3:13 6:7 7:5 7:16 131:19 132:12,17 179:5 182:21 188:9 190:12 253:9 284:2 296:9 306:1 320:11	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
CJ 100:19	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
CJRA 40:10,18	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
claim 322:5,5,10	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
claims 10:20 237:18,19 238:15	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
clarification 128:6 177:10	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
clarified 137:22	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
clarify 176:10	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
class 93:13 284:18 285:6	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
classes 40:13	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
classic 90:5	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
classifications 265:21	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		
classified 142:7,10 142:16,20 143:22 144:7,15 171:16	clerk's 13:4 17:10 23:4,8 47:17 82:11 83:2 123:4 123:5,21 135:13 136:2		

87:21 88:3 103:10
 107:16 108:17
 155:18 183:14
 254:8
collecting 6:1
 30:13,17 108:4
 121:12 184:6
 186:1 294:13
collection 3:13,17
 6:14 7:19 57:11
 62:7 63:4 67:17
 67:22 70:9,13
 73:7 82:7 83:12
 84:10 97:2 100:4
 102:17 109:18
 110:7,16 111:7,12
 111:22 114:15
 118:22 120:14
 176:5 187:13,22
 256:14 282:15
collective 149:19
 294:7
collects 59:6 63:17
 64:12,15 67:18
 224:18 228:17
college 52:22
collocated 227:9
Colonel 2:6 8:4,9
 150:14 229:22
 250:3 287:21
 288:2 328:8
combination 21:22
 75:22
combinations
 11:14
come 19:9 23:10
 25:16 49:19 79:15
 82:13 101:10
 104:13,15 105:16
 105:16,18 106:5
 108:16 119:6
 121:17 125:10
 143:21 151:14
 153:1 158:3 161:9
 161:20 167:16,19
 180:11 213:7
 255:10 265:15
 271:3 275:2 276:9

295:7 316:4
 322:19
comes 33:14 47:18
 105:8,22 127:10
 132:9 166:2 172:6
 183:21 186:16
 209:15 211:10,16
 246:16,17 260:12
 266:16 274:12
 294:1 295:12
 322:2
comfortable 78:5
coming 30:9 69:19
 151:18,18 165:6
 166:15,19 170:5
 170:20 206:22
 207:1 208:22
 217:18 256:2
 271:10 274:12
 281:21
command 147:19
 149:6 151:12
 152:6 153:2
 159:22 160:17
 161:5,19 162:13
 162:19 163:1
 179:17 195:17
 198:18,19,21
 200:11 207:14,14
 208:6 210:21,22
 218:19 257:19,20
 289:16 290:1
 323:7,10,15,17
 324:19 325:4,7,15
 326:5,12 327:2,9
 328:6
commander 148:6
 149:22 150:15
 162:5,5 178:10
 180:4 196:9
 327:16,16
commanders 152:1
 163:6 174:20
 229:1
commanding 151:8
 151:13 217:10
commands 229:7
 326:7

commences 107:1
comment 4:12 7:22
 8:3 71:13 120:11
 138:10 145:10
 152:5 273:19
 279:7 311:7
commented 29:3
 163:12
comments 4:9,13
 8:5,7 71:6 164:4
 170:18 178:1
 251:10 261:1
 269:21 275:14
 319:10
commercial 19:2
 20:6 234:17
 239:13,18 240:17
commissary 55:19
 56:2
commission 7:13
 8:15 31:12,15
 32:13,20 33:2
 56:9,11,16,22
 57:5,5,6,12,13,16
 57:19,21 58:1,5
 58:11,18,20 59:2
 59:3,5,17,18 60:3
 60:10,12,15,16,19
 61:1,6,7,20 63:2
 63:11,17,18,22
 64:6 65:10,13
 66:1,3,8,18 67:9
 67:17,19 68:1,4
 69:4 76:14 77:4
 81:19,20,20 87:21
 88:10 91:10 92:2
 99:13 101:5 102:1
 111:3 121:22
 143:18,21 147:9
 185:15 291:1
 300:13 312:16
commission's
 57:10 58:3 60:1,7
 61:9,10 67:4
 111:19 114:14
 282:18
commissioned
 76:7

commissioner 60:5
commissioners
 56:17 60:10,13
 73:16 84:21 85:4
 87:1 89:11 92:3
 103:12
commit 57:4
commitment 58:9
 69:2 122:22 144:2
 266:16
committed 66:5
 266:5
committee 1:3,10
 3:19 4:5,14,19 5:2
 5:17 6:4,9,10 7:7
 8:1,8 15:7,13
 29:22 56:7 67:13
 67:20 69:17 76:1
 81:19 111:5
 137:20 138:6
 147:22 148:15
 164:4 174:3,11
 175:12 215:13
 221:10 226:5
 227:3 233:19
 242:3 273:20
 274:15 283:18
 308:9,9
committee's
 174:15
committees 171:15
 247:16 279:19
common 26:19
 194:15 207:20
 235:1 265:18
 266:3,3 276:10,10
 277:14 280:8
communicating
 253:18
communication
 233:1
communications
 227:17,18
community 284:2
companies 19:9,14
company 18:9
 235:21,22
comparable 183:8

281:22
comparator 149:11
compared 88:2
 147:2
comparisons 312:6
Compass 205:7
competition 208:11
complaint 117:4,8
complete 5:15
 57:22 61:11 64:22
 90:6 107:20 113:1
 115:14 122:17
 149:8 152:15
 174:13 194:14
 195:7 289:16
 325:19
completed 195:11
 196:10 200:6
 202:9 210:17
 231:1 325:13
 327:9 328:7
completely 23:14
 79:2 280:2 304:10
completeness
 63:10
completing 121:4
completion 94:19
 157:4 201:13
 203:22 328:2
complex 31:17
 70:10 120:1,1
 203:1 238:16
 239:3 240:10
 267:14 278:6
 285:18
complexity 183:21
 209:13 267:7,12
 270:2
compliance 58:16
 236:18
complicated 19:22
 278:19
complied 170:12
comply 43:16
component 10:5,6
 19:4 169:9 184:15
components 20:8
 80:2 229:3

comprehensive
 65:8 246:19
compressed 147:1
computer 59:4
 76:10,20 77:1,22
 78:2,14 89:20
 102:1,4,19 115:10
 115:22 121:10
 122:2 220:16
 221:18
computer-assisted
 75:12,21
computerized 60:1
computers 22:16
conceivably 88:4
conceived 31:19
concern 15:8 32:19
 117:17 120:2,5
 152:7,7 153:13
 238:22
concerned 32:4
 76:15 166:4 207:1
 292:6
concerning 6:12
 193:12,15 234:11
concerns 65:1
 153:16 213:19
 255:17 258:10
conclude 152:18
 241:1
concludes 179:21
concluding 175:3
conclusion 30:15
 241:14
conclusions 314:1
 314:10
conditions 285:18
conduct 65:21
 155:16 182:7
 283:5
conducted 12:22
conference 39:8
 239:22
conference's 38:15
conferences 60:6
confidence 81:7
 169:15
confident 82:17,18

confidential 48:9
 61:6 92:4,7
 117:16 142:9
 171:16
confidentiality
 117:14
configurable 19:21
 238:18
configuration
 11:15
configurations
 19:19
configured 16:12
configuring 11:18
confined 55:20
confirmed 56:18
Congress 6:18 33:4
 33:17 35:19 36:7
 39:5,6 57:6 58:4
 58:12,14 60:15
 62:12 63:3 66:18
 67:2 74:5 76:4
 80:19 85:22
 140:20 165:9
 173:19 201:11
 203:4 260:9
 261:12 275:20
 286:13 296:1,1
Congress's 67:8
conn 4:15
connection 22:8,11
connectivity
 198:10,17 199:7
 200:14
conscious 313:21
 314:9
consensus 265:15
consent 319:22,22
 320:2
consequence
 20:14
consequences
 179:16 182:4
consequently
 322:20
consider 58:21
 63:14 66:16,19
 85:5 150:9 158:15

299:8 302:5,8
consideration 4:14
 8:8 86:7 214:11
 274:6
considered 67:9
 100:9 128:21
 140:9
considering 26:13
considers 67:13
 161:2
consistency 68:17
 195:21 291:6
consistent 62:8
 84:3 291:3
constantly 278:9
constellation
 110:10
constituent 20:22
constitutes 67:6
constrained 297:11
constraints 218:14
consumer 153:21
consumers 169:5
consuming 73:8
consumption
 251:18
contact 54:4
 244:14 266:1
contacted 9:13
 168:2
contain 140:10
contained 322:21
containing 43:2
contains 43:11
 202:14,22 203:3
CONTENTS 3:8
contested 130:9,20
context 17:17 88:6
continually 114:19
continue 162:4
 169:10 178:17
 183:17 213:4
 228:15 264:20
 277:19
continued 230:18
 240:13
continues 6:15
continuing 259:13

continuously 261:20
contract 102:2
contracted 18:4
contracting 18:9
 19:14 277:8
contractors 18:7
 18:15 220:19
contrary 151:21
contributes 255:14
control 12:14,22
 113:20,21 114:2
 138:20 227:19
 255:17
controlled 193:22
controls 141:2
convened 1:10
convenient 192:19
convening 118:2,9
 118:13 131:17
 132:1,4,7 152:15
 160:11 192:17,18
 201:20 208:3
 220:21 222:13,16
 293:13
conversation 48:1
 172:4,17 236:6
conversations
 239:10
conversion 140:14
 184:17 187:13,16
conversions
 187:14
convert 187:2,9
convict 131:12
convicted 56:20
 64:5 77:17 90:14
 97:14 106:10,15
 108:5,6 127:1
 204:2,6
conviction 43:1
 59:8 92:14 93:5
 106:22 127:6
 128:16,20 129:17
 130:1 148:1,4,9
 175:21 273:2
 306:4,5,6,8,15,16
 310:1,2 320:15,19

322:20
convictions 107:8
 128:15,22 308:4
cooperate 119:5
 131:2 160:7
 164:20
cooperation 160:9
cooperative 92:1
cooperator 49:10
coordinate 26:14
 51:15
coordinator 288:17
coordinators 177:3
Copernicus 224:4
 224:7
copied 326:22
copies 121:18
copy 26:7 121:19
 291:16 326:13
core 59:1 69:1
 112:11 321:10
Corps 2:6 192:12
 193:17,19 194:6
 201:10 221:11,12
 222:2,6 228:16
 230:3 277:19,20
 278:11 290:18
 325:11,16 327:10
Corps' 221:14
correct 34:8 46:4
 68:21 72:20 84:15
 85:12 90:17 92:18
 98:16,17 106:14
 115:4 134:14
 180:8 203:17
 258:8 288:18
 291:10 303:6
 304:14 315:20
 317:6 318:2 319:8
corrected 134:9
 135:14
correction 265:7
correctional 182:22
 186:6 190:10
 264:8 266:4
corrections 189:10
 190:6,8 230:13
 264:8 265:2

correctly 98:14
 315:16
correlate 94:8
 311:20
correlated 89:4
correlates 320:14
 320:18 321:11
correlation 93:19
 160:13
correlations 157:10
 157:20
cost 74:19 110:19
 141:8,9
costs 40:2 186:22
coughing 52:9
council 302:5
 318:19
counsel 10:1 17:20
 22:22 23:1 46:21
 48:2,11,16 107:20
 108:7 151:20
 177:1,2,4 205:14
 206:18 208:9
 209:3,12,22 210:1
 211:18,18,18
 212:8 215:5
 242:16,19 243:18
 248:16 263:7
 268:1 301:21
 303:9,12 309:18
 310:12,17,17
 314:22 323:16
 326:16
counsel's 251:4
counselors 295:20
count 97:7,8,13,15
 129:17,22 180:21
 183:8 308:13
counted 129:17
 147:7
counties 184:11
counting 182:17,18
 205:14
country 9:15 24:20
 30:14 40:4 181:14
 183:18 190:5
 285:21 286:9
counts 13:12 127:6

couple 115:14
 145:5 158:1
 178:12 200:3
 235:19 257:21
 258:22 281:2
 302:2 323:6
course 15:10 17:17
 48:13 66:15 69:10
 70:12 73:22 90:14
 92:6 94:6 100:12
 100:13 101:2,4
 105:4 117:15
 121:19 122:7,15
 123:6,9 124:5
 143:19 157:12,13
 189:8,10 205:15
 217:8 223:16
 230:12,15 231:15
 232:1 241:21
 264:6 304:8 317:4
 322:9,14
court 6:15 9:13,16
 9:19,20 10:2,6,12
 10:17,21 11:16
 12:9,20 13:1,19
 13:21 14:7,16,19
 16:10,13,14 17:15
 19:12,20 21:19
 23:10,22 25:11
 26:1 28:1,8 33:22
 35:12,12 37:7,12
 37:15 38:6,6,9,11
 39:15 40:8 41:17
 41:20 42:7,18
 43:15 45:14 46:1
 46:16 47:5 50:13
 52:7,11,14,15
 53:6,6,7,8,9,18
 54:4,4,17 57:17
 59:11,13 61:22
 62:4 76:9 81:2,8
 87:18 92:17 98:22
 104:21 105:5
 121:5 122:10,16
 123:3,15,16,21
 124:1 126:22
 127:6,22 128:5
 131:19,20 136:10

- 136:16 137:14,18
138:14 140:13
143:16 144:4,8,9
152:4 200:18
201:22 202:1,6
212:9 230:8 233:4
235:17 236:21
237:17,18,21
238:1,14 239:1,22
275:7 279:20
312:3,15 321:10
323:2
court's 37:13 40:16
66:2 122:22 124:3
127:14
court-200:20 204:3
court-by-court-b...
98:16
court-martial
192:17,18 194:6
196:17 201:3
202:10 203:19,22
204:4,5 205:12
207:17 221:1
223:10 228:21
233:11
courthouse 41:3
42:20
courtroom 87:6
123:4 151:15,19
courts 3:13 7:14
9:7,9 10:4,8,12,15
11:1,4,5,7,9,12,19
12:14 14:9,11,13
15:1,21,21 17:14
19:5,17 20:1,12
21:19 23:22 25:6
25:15 27:6,9,10
27:12 29:6,6,13
31:2 34:2 37:6,9
38:3 39:4 40:4,7
40:12 45:16 47:8
51:9,13,15 53:10
57:8 58:4 61:15
61:21 62:4 63:2
64:17 68:18 69:5
81:22 82:3,9,14
96:1 134:6 136:1
- 136:6 137:3 138:4
143:12 185:14
189:9,13 190:4
191:16 201:15
212:11 236:8,11
237:2 238:20
239:9,15,15,16
240:3,5,8,14
286:7 302:10
322:19 323:1
courts- 67:15
111:13 193:5
200:15 268:2
courts-martial 6:1
63:15 67:3 69:21
111:11 193:8
197:1 200:8,8
202:17,17 268:2,6
300:19
cover 40:2
coverage 184:19
185:4
covers 204:10
CR 25:8
cradle 220:3,10
254:17 278:1
crawling 300:9
crazy 79:6
create 111:17 114:4
168:19 192:20
193:1 194:2,3
201:2 231:3 284:5
297:9
created 5:7 56:16
111:7 122:8 194:5
194:11 201:12
225:7
creates 122:6,12
192:12 193:7
194:10 226:12
creating 66:19
134:4 284:6
credentials 193:18
credibility 149:1
credit 141:6,11,12
141:14,17,21
142:1
crew 206:13
- crime** 44:12 57:3
66:6 93:10 108:5
109:13 182:8
184:12,18 185:3,7
187:6 188:14,19
191:7 211:12
274:3,4 305:21
306:12,19 307:6
321:19 322:13
crimes 56:21 65:14
66:5 67:15 68:1
94:2,3 111:18
112:1 127:2
245:13 306:2
criminal 3:13 6:2
7:6 11:13 13:1,11
25:8 28:9 34:7
35:7 40:20 43:5
51:22 56:14 58:6
63:12 65:8 66:1,7
77:2,5,14,18
89:15,16,21 97:3
97:4,18,20 98:1
105:14 138:8
177:5 184:18
186:7 190:4,7
191:11 199:8,12
200:18 252:4
284:1 327:12,22
328:4
criminologist
155:15 157:18
criminologists
157:6 169:19
criminology 62:19
criteria 5:22 45:18
52:15
critical 120:15
146:7
criticize 152:8
criticizes 153:8
cross-sections
192:1
crucial 74:2 114:16
crunching 158:2
crushed 141:6
CRWG 156:10
159:13 163:12
- cue** 259:5
cues 257:19
cuff 158:16 226:19
culpability 321:2
cultural 78:19
culture 126:1
cultures 280:10
curious 121:2
133:4,10
current 3:15 7:15
14:5 229:11
currently 14:8
67:17 71:10 72:16
172:5 174:9
184:20,20 199:7
199:13 205:22
225:5 227:5
230:22
cursed 188:3
custom 197:22
198:4
customers 169:5
customize 11:7
customizing
238:19
cut 178:2
CV 25:8
cyber 299:2
-
- D**
-
- D-S-A-I-D** 288:7
da 203:3 301:15
DAC- 4:22
DAC-IPAC 166:16
DAC-IPAD 1:4 4:8
5:7,16 6:14 7:21
8:4,12 158:4,5,7
158:14 165:10
170:4,9 328:19
DAC-IPAD's 176:20
daily 49:20
danger 242:6
data 3:12,16,19 6:1
6:13 7:19 8:14
13:2,18 24:2,6,11
27:15 29:17 30:7
30:14,17 31:1,2,7
31:20 34:20,21

39:11 40:16 51:18
 51:18 52:2,18
 55:9,10 56:10
 57:7,10,20 58:21
 58:22 59:1,5,19
 60:1,4,13,16 61:1
 61:7,10,11,13,16
 61:18,19,20,21
 62:1,3,5,7,8,10,11
 62:16,22 63:3,7,9
 63:11,14,17,19,22
 64:3,7,11,20 65:2
 65:3,5,10 67:16
 67:22 68:10 70:9
 70:12 72:22 73:6
 73:13 74:20,22
 75:9,13,16,19,22
 76:4,7 78:20,22
 79:1 80:1 82:6
 83:11 84:9,12,13
 84:18,22 85:6
 88:15,17 90:4
 91:3,8,10,18 92:6
 93:16,17 97:1
 99:1 100:4,4
 101:21 102:21
 103:7,10,17 104:2
 106:13 107:2,5,6
 108:11 109:7,14
 110:16 111:6,12
 111:22 112:4
 114:15 116:4,15
 117:7 118:22
 119:10 120:14
 121:7,10,11,12
 125:6 126:4,7,18
 129:11 140:2,18
 140:19 141:4
 146:8 147:2
 149:19 153:21
 154:12 155:15,17
 157:7,16 158:2
 159:9,19 160:13
 162:11 163:7,8
 164:13,14 165:4
 165:11 166:5,9,13
 166:17,20 167:7
 167:18,19,22

168:4,6,9,11
 169:4,7,9,10,14
 169:15,21 170:8
 170:13 171:7
 176:2,5,11 181:6
 181:16 182:20
 183:7,7,14 184:6
 185:12,20 186:14
 187:7,13,20,21
 189:20 191:18,19
 193:11 194:15,16
 194:21 195:1,6,18
 196:2 198:2
 201:16,19,20
 202:9 203:2
 205:11,13 211:3
 211:17 213:18,20
 224:13,17,19,20
 225:2,3,8,9,11,17
 225:19 226:6,7,15
 228:17 230:6,13
 231:18 232:19
 241:12,16 243:14
 244:16,21 246:2,4
 247:2,15,20
 249:12 254:10
 255:2,22 256:3,3
 256:14 258:5
 260:1 261:6,8,20
 262:1,3,16 263:4
 266:12 271:12,20
 272:3 274:12,14
 274:22 275:17
 276:18,18,22
 277:6 278:14,22
 280:14 282:15,19
 283:4,11 286:8
 287:6,10 291:3
 292:20 294:8,13
 295:8,22 299:14
 300:21,22 301:4
 308:10 309:1
 311:19,21 312:5,6
 312:8 313:8,17,19
 314:15 315:4
 316:1,10,13 321:8
 321:9 325:22
 327:14,22 328:3,6

data-- 103:3
data-driven 29:20
 87:13
database 11:15
 13:16 28:8 35:1
 50:12 52:21 57:21
 58:2 59:4 98:11
 99:2,4,21 107:4
 124:12 133:12
 138:8 157:16,17
 165:2 166:9
 170:22 172:15
 194:19 198:18
 199:12 202:22
 205:8 221:15
 229:14 246:1
 247:6 248:6
 301:16 323:11,12
 325:17
databases 24:1,1
 24:10 109:3
 117:13 126:4
 165:13 176:11
date 13:9 36:18
 139:9,11,14,14,16
 139:16 141:2
dates 13:17 157:4,5
day 34:19,20 76:13
 97:5 102:3,15,15
 102:22 103:1
 107:1 112:19
 113:15 121:10
 139:10,19 142:3
day-of 215:15
days 58:6 208:2
 209:17,19 216:17
 216:19 217:4
 219:4 300:5
DC 298:19
DD 210:11
DD-214 202:11
deadline 6:6
deadlines 12:3
 13:17
deal 75:6 90:2
 130:3 171:13,15
 171:18 285:18
 306:12

dealing 51:22 52:6
 208:20 212:4
 217:19 218:14
 241:13
deals 239:2
DEAN 1:16 17:22
 18:2,16 49:13
 84:7,16 85:9,17
 86:9 87:10,16
 109:7 111:20
 112:3,7 136:18
 137:9 249:21
 250:2,16,20 251:2
 251:13 252:1,15
 294:6,18 295:14
 295:18
death 173:17
debate 158:5
debated 144:9
debating 241:15
decade 38:17
 181:12
decades 91:5
December 216:15
 235:12
decentralized
 183:19
decide 17:6 27:12
 74:1 118:13,14
 144:4 150:5
 152:20 158:6
 251:15
decided 117:9,10
 131:11 151:10
 152:10,11 166:14
 173:4 263:17
decides 16:13
deciding 157:18
 262:5 277:2
decision 60:22
 64:13 67:4,7
 69:18 74:2 76:22
 84:1 92:19,22
 94:11 101:10
 117:8 118:16,17
 125:21 127:13,21
 147:20 152:3,7,10
 152:14 153:8,17

- 159:5,6,11,22
160:21 161:14
162:5,16 173:5
266:10 325:7
decision- 189:8
decision-maker
129:4
decision-makers
80:18
decision-making
94:9 118:9 127:14
decisions 30:4 33:3
55:15 63:20
150:11 153:10
155:18,18 201:21
202:6 279:13
declination 241:7,9
242:11,16 244:2
248:6 258:16
259:9,11
declinations 272:9
decline 117:22
244:7
declined 68:13 94:9
165:5,18 243:19
259:15
declining 272:11
dedicated 63:5
83:20 114:14
283:19
deduce 225:16
deep 32:22 184:4
deeper 231:20
311:8
defect 222:22
defendant 32:5
63:21 64:2 65:19
72:1 84:19 109:10
123:8 306:14
320:4,17,22 321:1
321:2,5 322:11
defendants 35:8
55:18
defender 111:9
123:8
defenders 100:17
defending 286:9
defense 1:1,3,3 4:5
4:6,19,20 5:1,8,9
5:11,12,20,22 6:5
6:22 7:8 17:21
20:21 44:15 46:20
67:14,21 83:22
93:3 110:4 151:11
166:12 173:9
177:3 179:13
195:13 198:11,13
198:14 279:3
310:12,17 318:20
defer 9:1 44:19
define 183:2 275:16
defining 263:17
definitely 113:21
definition 92:12
175:14 189:6
263:18 290:17
definitions 26:20
182:16,18 185:22
186:14 254:4
262:8 263:14
265:21 281:17
287:19 291:17
degree 67:1 238:19
degrees 62:19
delay 159:6 209:5
delayed 136:21
delays 162:12
229:10
delighted 180:17
180:22
deliver 23:13
delivered 13:4
demands 187:15
demographic 13:13
32:5 59:7 167:7
169:18
demographics 88:8
93:20
demonstrable 30:5
demonstration
19:10 187:17,18
demonstrations
19:9
demos 19:13
department 1:1
7:14 20:21 67:14
67:21 74:4 99:18
100:7 114:1
173:17 180:17
182:1 195:13,13
221:12
departure 43:9
71:17
dependancy 71:15
dependents 66:12
71:9 73:22 89:9
depending 15:20
25:9 73:9 98:22
104:11 143:6
223:6
depends 101:17
104:4 112:22
136:3 310:21
depicts 233:2
deployed 227:13
deployments 274:8
deprive 79:11
depth 152:17
158:15
Deputy 2:7 272:16
deputy-director
8:11
derived 72:17
derives 225:8
described 120:12
156:22
describing 254:7
description 192:14
304:5
descriptions 303:5
design 72:14 80:19
181:5
designated 2:13
4:4
designation 15:10
designed 29:5
201:8,10 202:15
251:17
designing 93:4
desire 110:21
153:13 159:21
264:16
despite 63:10 150:1
151:9
details 154:11
280:2
detected 134:12
deterioration
191:18
determinant 56:15
determination
161:18 322:10
determinations
11:19 93:18
determine 12:21
17:10 127:7
155:16 289:6
316:9
determined 322:15
determines 126:22
determining 56:19
67:12 120:15
deterrent 41:10
develop 9:16 10:5
21:11,14 33:12
44:2 175:6 185:2
208:2 220:15,18
221:2,14 224:13
236:19 239:14
278:9
developed 9:18
12:14 19:3,11
20:4 21:3,8 32:9
43:20 78:1 147:6
164:17 187:5
190:5 192:16
200:17 222:1
321:21
developers 263:5
developing 20:2
26:14 31:15
174:18 199:8,13
220:14 246:12,13
266:19
development 9:12
10:12 18:2 29:19
176:13 181:4
238:4 277:21
developmental
29:20
devoted 237:12
DFO 2:19

- dial-up** 38:17
dialogue 46:19
DIBRS 176:12
 220:10 292:12,15
 292:19 293:12
difference 93:12
 130:22,22 131:4
 132:13 290:13
 292:1 302:22
differences 88:12
 120:2 260:3
 276:14 279:18
different 15:16,16
 15:17,19,22 16:5
 16:11 23:11 27:11
 27:19 33:9,9,21
 47:6 69:11 70:15
 71:2 79:2 82:13
 82:19 84:4 91:22
 99:16,17 116:12
 117:2 121:5,9
 127:7 138:17
 139:21,22 140:13
 146:2,13 153:4
 167:19 173:7
 177:20 183:4,4
 185:21 205:11
 207:5 208:17
 211:21,22 212:2
 219:22 235:22
 257:5,11,12 269:5
 274:13,13,21
 275:18 277:3
 279:12,16 280:2,8
 280:13 281:6,6,7
 281:11 282:12
 283:22 291:21
 292:14 293:16,17
 299:1 303:4 309:6
 314:15 323:21
differently 27:16
 150:21 274:14
differing 185:21
difficult 27:15
 43:22 108:21
 179:7 187:1
 224:22 262:15
 267:3 274:16
 280:15 281:12
difficulty 72:7
 262:4
diffused 113:22
digest 145:7 147:14
digested 145:10
digging 212:19
digital 225:15
digits 47:16 121:20
diligent 183:12
dip 268:20
direct 8:3 18:10
 50:18 52:2 197:5
 259:9 321:5
directed 39:6 66:18
direction 67:8
 153:3 275:5
directive 58:17
director 2:7 8:4,10
 8:14 9:5 206:21
 221:11
Directorate 229:19
directors 264:7
disagree 111:21
 147:15 255:1
 276:8
disappeared 162:8
discharged 84:20
discipline 148:10
 229:2 281:8 284:3
disclosed 142:17
disclosure 44:7
 179:19 241:18
disconnect 254:16
 293:12 299:15
discount 131:2
discovered 68:8
discovery 75:7
 220:7
discretion 4:10 8:6
 32:11 93:1 100:14
 118:8 132:12
 147:16,20 148:14
 152:15
discretionary
 126:15
discuss 7:15,18
 38:9 171:19,21
 192:10 319:19
discussed 137:4
 164:16
discussion 85:21
 224:12 265:4
 307:16
discussions 231:5
dismiss 151:12
dismissed 64:1
 97:13 151:21
disparate 30:18,19
disparity 87:20
 88:1 119:16,20
 254:1
display 11:10 27:19
 197:10
displayed 11:20
disposal 192:6
dispose 190:1
 328:2
disposed 200:1
disposition 159:5
 159:11 161:2
 162:13 199:19,19
 254:18 290:20
 293:6,7 309:14
 323:7,10,15,17
 324:1,3 325:3,7
 326:11 327:11,14
 327:17,18
dispositions
 309:12 328:7
dispositive 160:4,5
 160:7,11,12
disproportionately
 285:15
dispute 48:8 307:1
 307:1
disseminate 57:9
disseminates 60:3
distinction 100:18
 130:18 189:11
 222:8 264:18
distinguish 290:17
 291:13
distinguished
 195:8 204:21
distribution 54:16
district 9:9,13 10:3
 10:11,14,19,21
 11:9,12 13:9
 15:18,21 28:7
 33:8,10,22 35:11
 68:18 69:7,7 81:2
 81:8 123:21
districts 20:11 33:8
 58:14 238:20
disturbed 119:18
ditto 222:4
divergent 42:13
diverse 182:20
 183:18
division 221:13
 227:9 229:17
 236:5 327:12,22
 328:4
divisional 13:9
divisions 229:8
doable 128:12
doc 324:18
docket 12:9,18 16:2
 16:3 23:3 25:18
 25:19,19 39:1
 45:8,10 46:14
 48:21 49:3,4 53:3
 53:15 98:4,5
 124:3,4 135:6
 143:7 156:6
 209:13 232:19,20
 233:9 250:17
 269:9
docketed 203:11
docketing 47:18
 252:9
dockets 22:12
doctor 264:11
document 12:8,11
 12:13,17,18,20
 13:4,21 14:2 16:1
 16:14 17:3 23:2
 25:21,22 39:14
 43:15 44:21,22
 45:4,12,19,20
 48:22 49:6 58:8
 69:9 92:13 96:10
 97:22 99:2,4

- 107:18 109:5,18
110:7 112:22
122:3,17,19,22
123:10 124:18,19
124:22 125:9,17
127:10,19 133:2
134:5,8,21,21
135:14 136:4
137:17 143:7
144:8 200:19
202:2 219:17,20
244:2,8 282:16
286:18 319:4
324:12,15 325:6
326:15 327:18
- document-based**
145:16 168:14
169:3 316:8
- documentation**
57:12 327:11
- documented**
244:11,13
- documents** 6:16
9:11,17,21,22
12:15 23:6 39:3
42:16 43:2,8 53:3
54:1 57:17 58:5,7
58:13,18,19 59:2
59:17 69:1,13,21
70:22 72:18 73:6
76:8 81:3,5
102:22 104:20
105:9 113:8,10
120:21 121:1,3,4
121:13,15,17,18
121:19,20 122:5,6
123:13,15,18,19
123:22 124:1,10
127:19 133:5,8
143:13,14,18
144:12 145:17,20
146:6,12 147:8,12
160:17 168:15
193:2 195:22
198:11 200:13
202:4,4 212:15
224:18,19 231:3
250:21 252:14
- 282:17,19 302:8
302:14 316:9
324:11,18
- DoD** 67:1 176:10,10
176:18,21 177:2
257:7 272:17
294:12
- DOD's** 177:11
- doing** 21:10 22:19
36:14 72:8 75:11
78:5 80:1 83:4
103:16 108:5
116:21 136:9
148:14 149:12
152:1,2 155:22
157:2 158:9,12
166:9 167:10
168:1 169:11
172:2 183:17
206:11 208:12
209:4 210:11
216:21 227:13
237:5 247:5,10,14
248:16 249:10
256:16 260:22
261:9 267:4
278:22 288:7,17
295:8 297:15
301:8
- domestic** 184:14
270:18
- double-check**
156:9
- doubt** 86:4 131:18
159:9 290:6
- download** 12:12
23:2
- downside** 280:20
- downward** 43:8
- Dr** 1:20 2:10 5:4
68:5 90:22 91:2
156:15 180:12,14
186:3 188:12
190:19 264:5,7,12
272:7 292:4 293:3
299:12 319:11,18
- dramatically** 69:12
- draw** 214:22 217:8
- 309:17 312:6
314:12
- drill** 75:1 110:14
197:19
- drills** 32:22
- drive** 31:18 127:9
251:2
- driven** 99:15
120:22 313:1
- driver** 129:16
- drives** 105:22
- driving** 157:5
276:13
- drop** 243:3 246:8
291:22 314:7,11
- drop-** 25:13
- drop-down** 76:10
138:22 195:2
- drop-off** 188:10
190:14,17,20
191:4,8
- dropdown** 151:2
- dropped** 64:4 94:13
97:19 191:19
- dropping** 94:22
95:2
- drops** 95:4
- drove** 127:13
- drug** 32:18 66:11
103:9 104:14,14
105:16 106:2,3,3
106:5 112:4,10
115:19 127:4
267:20 268:5
320:17
- drugs** 319:7
- DSAD** 176:12
288:4,6 289:8,16
290:15 291:11
292:3 325:17,20
326:1,15
- DSAY** 288:4
- dual** 231:8 272:2
284:15 314:19
- due** 179:15
- duration** 34:13
- duty** 132:2
- Dwight** 2:19 4:4
-
- E**
-
- e-docket** 203:7
250:15
- earlier** 59:22 73:2
89:18 119:8
132:15 137:7
195:7 307:14
- early** 132:22 148:20
224:6
- earned** 109:11
- Earth** 224:10,10
- easier** 74:7 105:2
168:12 306:11
- easily** 28:12 262:18
316:11
- easy** 121:9 197:7
236:16 244:20
277:10 299:5
- easy-to-understa...**
233:2
- ECF** 97:12
- echo** 231:10 281:2
- education** 29:10
63:8
- educational** 305:6
- effect** 14:3 30:3,3
141:13 153:3
159:14,15 204:7
308:7
- effective** 192:19
196:15 202:19
229:5
- effectively** 41:17
222:18 247:12
- effects** 159:2
- efficiency** 125:4
181:5 197:11
268:20
- efficient** 75:11
196:15 224:22
231:13
- efficiently** 247:11
- effort** 57:11 89:20
114:15 163:22
181:12 269:13
277:12
- efforts** 229:9
- eight** 113:17 159:7

166:7 246:18
 257:10 263:3
 268:1,2,5,5,6
 300:18
either 35:11 69:20
 74:3 81:1 84:5
 134:3 136:4
 163:15 172:1
 194:2,17 202:20
 208:5 223:6
 225:13 239:7
 276:1,16 306:21
electronic 9:6 10:4
 24:8 25:18 26:6
 38:2,4,11,19 39:9
 40:6 42:15,17
 80:12 122:1
 234:12 235:16
 236:19 258:21
electronically 9:18
 10:6 12:3 46:7
 121:13 124:9
elements 163:20
 300:21,22 307:4
elevate 173:12
 272:22
eliminate 229:9
Elimination 181:15
email 12:9,11 13:8
 23:1 50:1,3
 137:17 198:22
emailed 12:7 13:4
emails 42:4 257:21
embarrassment
 47:2
embrace 183:3
 187:21
emerging 169:22
 170:3,6
emphasis 192:1
employee 76:8
 113:1
employees 40:9
 41:22 112:21
 143:18 232:2
employment 66:10
 71:8,12 89:8
enables 33:1

enacted 6:19
encompassing
 38:13
encourage/reco...
 220:12
enforcement 63:19
 95:15 117:4,11
 182:22 183:20
 184:21 186:5
 187:2,8 216:22
 220:3 249:13
 265:2 295:10
engine 203:1
enhance 321:6
enhancement
 71:22 72:4
enlistment 107:6
 108:2
enormous 31:13
 91:18
enormously 31:16
ensure 12:16 57:21
 62:8 68:15 115:9
 121:5 132:3
 182:10,17 183:8
 230:18 325:22
ensuring 43:18
 181:5,6,9 277:5
enter 13:2 48:11
 57:20 92:1 139:11
 139:14,16,17
 291:10
entered 13:16 48:3
 48:17 105:17
 121:13 325:16
entering 107:8
 124:9 254:14
 255:2 288:9
enterprise 208:21
enters 194:22
entertain 226:5
 233:14
entire 20:10 21:6
 47:15 119:14
 120:13 143:7
 154:4 212:12
entirely 39:7
 142:15 158:17

entities 40:14
entrance 313:18
entries 147:10
entry 16:3 58:6
 136:7 143:7 195:7
 205:13 230:6,13
 243:1 261:6 288:4
 325:20
enumerated 223:13
environment
 227:13
environments
 285:19
envision 190:13
envisioning 107:4
EOUSA 99:20
 100:5,21
equal 306:19
equally 89:14
equivalent 302:11
era 55:9
error 114:7 123:12
 135:7 136:8
 194:21
errors 135:4
especially 74:10,10
 148:1
essential 228:22
establish 57:6
established 38:16
 42:2 56:11
establishes 12:21
establishing 27:1
estimate 60:17
 185:3
estimates 58:18
 181:7 184:13
estimation 185:8
et 24:19 43:10
 175:22
ethnicity 88:9
 93:12
evaluated 264:15
evaluating 114:7
evaluation 109:11
 241:20 247:22
 264:17 273:6
event 12:19

events 25:19 60:6
 77:18 140:12
 162:9 293:17
eventual 202:11
 292:9
everybody 24:19
 152:18 163:14
 224:13 253:20,21
 254:22 255:10,14
 280:21
everybody's 255:5
evidence 15:10
 44:12 67:5 119:4
 130:2 132:5 148:3
 149:2 151:20
 261:8 289:21
 290:13 291:13
 292:16 321:20
 322:8,12
evidence-based
 266:5
evidenced 42:8
evident 262:13
evidentiary 222:22
evolution 42:8
evolved 38:20
 313:4,22
ex 43:6
exact 191:8 300:15
exactly 17:10 72:20
 98:6 120:12
 156:11 179:7
 292:22 305:2
 311:17
examine 149:5
examining 174:12
 240:16
example 10:20 11:9
 12:6,16 25:3 27:7
 42:16 59:5 64:11
 65:12 71:8,19
 77:2 90:5 99:13
 126:14,17 127:1,4
 128:2,17 133:22
 134:13 138:18
 144:1 151:6
 175:15,20 176:12
 226:6,7 248:20

255:22 270:1,4
 278:11 293:1
 307:9,20,21 309:4
 316:1
examples 11:17
 195:15
Excel 197:7,16
 198:8 202:21
Excellent 155:6
exception 5:3
 78:21 221:16
exceptional 63:9
exceptions 268:13
excessive 229:9
exchange 184:19
 185:9
excludable 209:5
excluded 39:16
excluding 60:1
excuse 207:11
 211:21 215:8,11
 272:7 280:5
execute 196:8
executed 195:22
executes 192:12
execution 193:13
executive 61:2
 64:12 100:22
 185:14 189:11
 227:6 237:15
exempt 40:11 51:9
 52:14
exemption 52:12
 55:22
exemptions 40:13
 40:15 54:19
exercise 32:11
 132:11
exist 108:22 119:21
 121:20,21 125:6
exists 17:13 117:12
 120:5 325:13
expand 67:16
 142:10
expanded 179:4
expansion 177:10
expect 21:20 58:16
 267:15 296:22

314:18 317:10
 318:19,22
expectation 114:3
 148:22,22
expedited 174:12
 175:4 176:2,15,19
 177:7,12,15,18,19
 179:3,11
expenses 40:6
experience 20:15
 27:5 87:8 119:15
 131:16 132:10,14
 132:18 142:10,14
 144:13 146:1
 159:2 184:4
 237:14 240:18
 283:17,19 320:12
experiences
 190:20
experimental
 103:10
expert 42:11 137:5
 292:3
expertise 7:5 157:9
 270:22
experts 7:12 43:7
 62:18
explain 15:14 16:16
 40:18 88:19,21
 89:13 129:6
 149:13 151:15
 161:14 192:9
 272:14 286:12
 304:19 308:17
 312:6
explains 88:18 89:5
explanation 15:5
 92:15 273:4 311:8
explanations 32:9
 32:10 33:1
exploitation 287:8
explore 170:7
extend 27:9
extension 27:10
extensively 142:8
 184:16
extent 70:3 71:18
 182:11 265:11

external 193:14
 201:10 232:2
extra 101:13 270:22
 300:1 310:5
extract 27:15 78:3
 79:15 89:21 104:2
 119:11 155:15
extracted 59:3 98:9
extraction 76:20
 106:13
extraordinarily 7:7
extraordinary
 201:4
extremely 61:19
 62:11 76:15 94:12
 100:12 111:6
 167:17
eyes 75:20 79:3
 116:13 254:4

F

F-18 240:12
face 179:6 182:15
 182:15 264:9
 285:4
faced 81:1
facilitate 38:5 58:3
 193:2,9
facilitates 195:20
facilities 181:19,20
 181:20,21 183:1
facility 251:3
facing 14:21 203:7
 203:14 232:19
fact 41:9 48:14
 67:10 99:2 107:13
 116:11 129:21
 150:1 151:16
 172:14 173:13
 210:16 225:22
 249:9 255:10
 313:4
fact-check 224:7
factor 160:3,10
 219:12
factors 63:3 66:15
 66:16,19,22 67:9
 71:14 155:17
 223:14,18 242:2
 298:17
facts 65:11 120:3
 270:15 306:19
 307:1,2,5
fail-safe 47:20
failed 58:14
failure 285:1
fair 46:19
fairly 184:3 233:2
 262:14,18 282:5
fall 183:14 188:15
falls 253:20
familiar 15:3 44:10
 149:12 228:11
 240:6 290:19
 296:9
fan 31:13
FAP 179:8 235:6,9
 235:12
far 43:22 84:9 90:4
 156:2 233:3 239:2
 253:16 282:22
 296:15,15 297:3
farther 131:8
fascinating 168:9
fashion 84:3
 221:12 258:2
 276:21 286:21
fast 113:3
faster 75:17
fault 316:7
FBI 185:1 186:17
 186:19 187:3
fear 294:17
feared 20:18
feature 14:12
February 165:16
federal 2:14 4:4 9:8
 10:14 13:11,21
 14:11 19:17 20:10
 29:9 31:7 36:8
 38:7 40:4 41:22
 43:13 45:16 50:6
 56:13,19,20 57:8
 59:1 63:12 64:14
 65:8 66:13 69:12
 75:7 82:1 119:20

128:21 129:19
 131:1 138:7,14
 146:17 153:5
 176:6 185:10,11
 188:13,16
fee 39:19,21 54:22
 55:1
feedback 267:5
feel 82:1 120:12
 129:5 282:9
 296:13 307:10,14
fees 39:5,7,8,9
 40:11
fell 292:22
felony 149:13
felt 307:14
fender-based
 191:13
fidelity 325:22
field 98:11 101:5
 102:6 104:9
 105:15,18 115:13
 126:20 139:15
 140:1 147:10
 153:9 198:2 230:7
 231:10,12 232:15
 243:14 244:16
 262:5,16 263:13
 263:13 269:4
 278:14 312:6,8
 313:17 316:2,11
field's 246:3
fielded 42:3
fields 62:20 102:19
 104:2 112:9 125:9
 140:10 195:1,8,11
 195:19 196:3
 203:3 241:12,16
 244:21 246:2
 247:15 263:15,19
 270:14 311:19
 312:5 313:19
 314:15 316:13
fifth 176:9
figure 128:18
 209:12 212:20
 267:8 278:13
 286:1 310:18

figuring 146:7
file 9:10,17,21
 10:20 12:16 13:2
 14:12 17:3,4,5
 22:20 23:8 25:13
 26:6 32:14 37:6,8
 37:12,14,15 38:19
 43:14 44:12,22
 45:12,20 46:12,15
 55:16 96:10 134:7
 135:2,5,10,11
 136:5 137:18
 143:3 160:18,20
 160:22 161:3,9
 172:6 198:20
 199:6 242:21
 243:8,18 252:18
 292:13,17,20
 319:6 324:4,14
 326:19
filed 12:4,11,17
 13:10 14:3,17
 15:6 25:22 39:3
 43:4 45:21 46:7
 48:22 49:7,18
 50:2,7 64:1,3
 96:11 97:3,22
 98:20,21 116:17
 116:18 122:11
 134:6,22 135:4,18
 136:6,6,7,15
 151:11 198:20
 250:21
filer 17:3,9
filer's 44:6
filers 16:19 53:17
files 12:6 13:21
 27:8 42:7,15
 45:11 46:5 133:5
 155:12 158:10
 163:11 165:1
 167:1,3 212:20
 247:5 258:6 283:3
 283:4 286:18
 292:6
filing 9:20 10:4
 15:11,12 17:19
 19:4 26:16 44:16

46:8,22 48:6,12
 54:10 133:2,9
 134:11,14 200:13
 302:8 323:2
filings 12:5 17:14
 45:14,15 250:11
fill 115:13 121:11
 210:10 211:17
 213:22 219:22
fill-in 180:18
filled 104:10 105:18
 263:20
filter 197:8 198:1,2
final 22:4 153:17
 162:13 201:1
 202:9,10 231:4
 278:3
finally 6:17 61:1
 62:17 66:8 112:13
 146:3 185:10
 200:1 218:15
 257:22
finance 40:5
financial 43:4
 186:12 187:12
financially 187:16
find 36:22 45:18
 54:14 75:5 84:18
 102:9 109:2
 118:22 122:18
 134:18 150:15
 162:10 168:18
 203:10 205:18
 206:7 207:5 208:6
 224:3 225:14
 234:14 244:19
 257:16 261:20
 269:22 308:16
 309:16 326:19
finding 72:7 75:3
 116:16 122:16
 148:15 272:6
 326:6
findings 6:10 158:6
 174:18 175:11
finds 290:7
fine 83:13 209:15
finely 95:5

fingerprints 161:21
finish 74:17 134:14
 269:15
finished 162:15
 268:17 269:11
fire 123:20
firewall 203:15
firewalls 143:1
first 6:9 8:10,11,13
 20:4 21:3 32:21
 61:13 103:11
 120:9 121:3
 134:15 138:3
 155:3 156:1
 158:17 169:12
 174:10 175:14
 177:7 191:14
 192:15 194:14
 196:20 210:20
 215:17,19 216:8
 216:14 222:14
 231:8 234:3,18
 263:14 266:21
 267:22 269:10
 272:21 281:4
fiscal 5:9,20 39:20
 57:11 166:6 167:2
fit 146:13 225:10
 275:3
fitness 109:11
five 10:3 30:2 58:5
 59:1 68:22 70:10
 70:11,12,15 72:18
 83:21 84:4,5,5
 104:20 109:19
 120:21 140:7,8
 144:11 147:8
 162:12 171:4
 175:13 182:13
 193:3 236:6
 253:17 259:15,16
 260:1 274:21
 275:18 276:8
 277:13 287:11
 300:5 301:6,12
five-year 170:2
fix 37:1 133:10
 208:7 296:5,6

310:20
FJC 31:9 34:22
 52:3
flag 267:14
flash 219:6
flexibility 25:3
flexible 19:21 27:20
flip 215:22
flow 190:10
flows 212:11
fly 78:14
focus 82:5 118:22
 120:6,8 154:12
 170:10 175:13
 206:3,10,21 207:2
 207:3 217:22
 219:3 263:12
 283:15
focused 105:11
 205:13,18
focusing 174:9
FOIA 201:11 252:18
 252:20
folders 23:8 215:15
folks 20:22 97:1
 114:21 117:4,9
 133:11
follow 69:5 84:7
 183:17 252:4
 269:19 292:4
follow-up 23:16
 24:17 74:21 92:11
 126:12 136:18
following 30:12
 50:4 177:6 204:12
 204:13 215:20
foot 129:9
force 70:17 151:1
 156:2 227:6
 229:20 230:10
 231:5 232:6 243:4
 243:6 247:14
 261:4,5 262:12
 276:19 282:4
 288:13 312:21
 314:4 324:6,10,13
Force's 228:11
 243:11

forced 285:17
forces 1:4 4:7,21
 5:14 7:1 146:13
 201:22 236:9
 238:9 275:22
Forget 158:20
forgotten 115:13
fork 69:18
form 58:11 69:3,14
 69:22 92:9 105:5
 105:13 108:12
 122:20 129:5
 144:3 189:3
 195:14 196:5,10
 199:2 204:5
 210:12 231:2
 243:1,13 244:12
 257:7 258:2,11
 276:21 283:8
 291:18 325:12
 326:18 327:13,15
 328:2,5
formal 189:5
format 68:19 198:8
 222:14 233:8
former 267:2
forms 24:19 68:10
 68:19 181:18
 232:13 255:12
 291:5 323:18
 326:4,5
Fort 251:3
forth 41:7 162:3
fortunate 62:12
fortunately 204:21
forward 8:16 68:15
 74:9 101:20,22
 102:15 148:11
 149:2 151:10
 159:22 166:15
 179:2 192:11
 242:14,19,19
 246:5,6 261:17
 272:18,18 289:15
 289:19,21 309:12
 309:16
forwarded 215:14
forwards 101:16

found 21:20 76:16
 89:19 110:6
 185:22 186:1
 206:15,17 208:10
 226:8,12 319:13
 319:16
founded 322:14
FOUO 171:22
four 10:3 47:16
 70:10,11,12 86:16
 114:12 159:7
 161:16 179:3
 209:19 227:12
 246:18 297:15
four- 170:2
fourth 116:7 151:17
 176:6
FPD's 100:19
fraction 144:5
framework 222:10
frankly 282:9 301:5
fraud 47:13 65:15
 65:17 104:7,9
 106:4
frauds 77:7,12
free 187:14 195:3
 243:13
frees 210:15
frequent 32:10
frequently 49:9
 54:21
fresh 116:13
 125:11
FRIDAY 1:8
front 70:4 120:7
 159:13 219:6
 280:21
full 47:11 162:18,18
 173:16 174:10
 175:12 182:11
full-time 102:1
fully 65:7 88:19,21
 130:20 187:4
 287:1
function 73:14 78:1
 83:21 146:22
 231:17 283:21
 284:1 286:13

289:3 302:12
functionality 11:3
 230:15 231:2,6
 233:6
functioning 174:3
functions 129:8
 289:5
fundamental
 154:11 281:15
funded 39:6 187:8
funding 62:13
funds 40:10
further 54:13 65:9
 138:10,12 159:6
 170:7 179:18
 307:20 328:9
future 114:5,6
 139:14
FY17 165:11 166:17
 167:11
FY18 166:20 167:7
FY19 167:6
FY2012 169:13
FY2017 165:4

G

ga 286:6
gain 197:5 251:3
GALLAGHER 2:11
 323:5 324:2,8
game 166:21
gap 185:1 190:11
gaps 162:17 193:12
 256:11
garbage 218:22,22
 315:6,7
GARVIN 1:15 35:9
 47:22 48:5 90:8
 90:18,21 99:20
 100:2,10 132:21
 136:13
gathered 20:16
 34:5
gathering 116:15
 155:12 185:20
 258:21
gavel 26:1
GCMCA 193:21

GCMCA's 193:9	157:22 158:3	213:5,8 216:20	150:3,4,6,6,13,22
GD 53:19	162:4 168:13	219:10 220:16	151:1,1,2 152:22
GEN 1:19	192:14 196:21	221:17 222:21	155:10,14 156:12
gender 65:19 249:8	200:18 211:6	226:19 232:4	157:2,19 160:18
genders 285:17	213:8 217:21	233:21 237:16	162:10 163:7,22
general 5:3 64:20	222:13 225:14	242:14,18 244:18	165:6 166:10,20
69:16 86:1 119:13	248:20 258:12	244:22 245:16	166:22 167:8,13
120:18 149:19	263:12 283:3,14	250:7 251:4	167:14 168:17
151:9,14 172:22	301:6 307:20,21	255:15 259:14	169:7,10,20
180:4,22 182:7,12	309:6 311:8	261:10,16 268:8	170:20 171:4,21
192:17 201:3	given 11:5 15:6	273:15 274:19	180:3 192:3,10
202:16 207:17	17:8 59:12 77:4	275:5 286:17	203:13 204:17,19
270:15 286:16	80:17 121:2 147:1	289:15,19,21	209:3 213:17
generally 46:14	236:14 238:22	294:5 295:3	217:7 218:5 219:1
49:16 63:17 65:17	245:17 298:1	298:13 304:19	219:10 226:3,11
160:16 262:17	gives 20:1 105:6	305:2 309:17	228:15 236:1
generate 30:7	203:12 216:18	315:3,18 316:9	239:6 241:3 246:4
32:20 195:15	218:6 225:6	318:4,13,13,17	246:6,21,22 247:1
196:4,4,14 197:13	giving 134:13	goal 253:19,20	248:10,15 250:2
198:7 201:7	235:22 327:5	goals 208:8,10	251:8 252:16
204:10 207:7	glad 179:22	God 83:12 279:1,5	254:17 255:16
235:11 282:6	Glen 2:12 8:13	279:6	256:9 257:14
309:2 316:14	Glenn 87:4	goes 21:18,19 22:2	261:16 262:8,8
generated 39:21	glider 240:12	22:22 23:3 45:16	263:18 266:11,12
197:7,16,18	glitches 21:4	75:16 78:3 80:9	269:5 270:18
201:16 202:20	go 21:1,5 23:12	80:14 86:14 90:4	271:9,11,13
generates 196:5	25:13,18 29:17	116:1,6 125:16	272:18,18 273:16
generating 157:16	30:2,6 32:2 37:2	135:11 136:20	275:17,21 276:22
generation 9:5 14:8	52:4,7,13 53:1,13	147:12 163:4	280:16,20 283:3,4
20:3 21:10 22:20	54:14 72:7,10	194:21 199:2,4,5	296:5,11,20,21
196:12 202:3	73:5 74:9 78:22	199:18 211:2,13	297:4 302:13
203:1 231:2	83:17 91:7 96:10	211:16 215:10	304:2 306:15,15
237:11 238:5	98:15 101:15,16	220:9 261:9	306:20 307:9
GENTILE 1:17	101:20,22 102:22	303:21 315:5	309:2,12,19 311:9
gentleman 206:12	103:6 109:2,6	318:17 326:5	314:2 316:5,7
Georgia 250:3	112:7 113:9 115:5	going 18:18 29:2	328:18
Germany 298:20	116:19 120:20	31:11 36:7 44:19	gold 79:5
getting 85:9 140:2	121:12 128:5	48:5 49:20 51:17	good 4:3,17 9:3
147:8 214:2	129:10 131:17	55:11 74:11,12,13	37:21 47:21 56:6
217:14 219:2	134:4,14 136:2,4	74:22 79:10 83:6	75:17 78:7 82:19
251:13 254:12	137:19 140:16	83:7 84:4 85:15	114:17,22 119:13
257:7 259:7 264:9	141:22 145:17	94:7 99:10 102:16	130:2,2 148:10
264:12 286:15	150:12,13 153:3	104:7 106:7 107:3	153:14 163:17,17
291:19 293:12	155:3,7,14 156:14	107:17 111:16	180:12,13 192:7
give 18:18,21 19:9	159:6,22 161:7,12	112:10 114:8,9	208:11 221:9
22:5 37:10 79:8	162:3 164:9,22	129:5 133:15	227:2 233:18,20
126:14,22 129:2	172:8 198:1 203:8	134:18 141:14	239:7 249:21
131:17 154:6	209:3 212:19	148:19 149:2,7,21	265:6 266:12

281:8 284:3
 285:10 298:12,13
 325:22
gosh 133:9
gotten 259:19
government 17:21
 18:3,6,14 19:8
 39:11 64:10
 141:13 198:12
 199:3
government's
 310:15
grabs 140:7
grade 113:1 295:1
grand 41:13 249:19
grant 40:13 52:11
granted 40:15
 43:17 54:21 55:5
 55:22
graphs 269:6
grave 220:10 278:2
great 9:2 15:8
 26:19 36:10 37:6
 90:2 119:16 154:8
 154:15 163:16
 174:5 178:8
 219:13 231:7
 233:21 257:13
 259:8 270:18
greater 77:15 273:4
 300:13
grid 308:21
GRIMM 1:16 15:2
 16:15 17:12 20:9
 20:14 22:4 23:15
 25:12 29:1 31:9
 33:14 34:8 40:17
 40:21 45:11 46:4
 48:4 49:8 54:18
 71:5 74:21 76:17
 78:9 79:17 92:11
 92:19 95:6,11
 96:16 97:17 98:5
 99:5 100:21 110:8
 128:11 130:10
 131:10 149:9
 264:11 283:13
 287:13,16

Grimm's 30:13
ground 89:5 272:6
grounds 88:13
group 70:16,17,17
 84:16 142:5
 145:10 147:14
 155:9 157:7,8
 164:13 166:3,14
 167:10 169:9,21
 174:7,9,17 175:5
 175:10 176:16
 256:1
group's 174:14
groups 3:20 70:15
 137:3,5,6 154:21
 182:20
Guard 70:14 234:11
 234:16 235:4,14
 235:18 240:15
 325:1
guardian 72:3
Guards 243:7,12
guess 78:12,12
 128:3 131:22
 157:11 182:2
 188:2 247:7,13
 251:15 256:18
 277:19 288:11
 307:20 312:4
guidance 262:7
guideline 31:22
 32:8 59:10,14
 65:12 106:2,3
 126:21 127:10,11
 127:11,16,20,22
 149:16
guidelines 31:16
 57:2 65:22 66:3
 66:14,20 67:10
 71:14,15 73:19
 77:4,9 84:13
 87:19 98:21
 105:21 115:16
 119:19 127:3,7,8
 127:18
guilty 130:19,21
 131:2
gun 287:6

gun-point 270:4
guy 95:3 269:12
guys 102:11 209:4
 248:9 297:11
 318:14

H

habit 301:2
half 18:14 181:12
 191:1 245:6,22
 269:14
hampered 171:2
hand 78:21 157:5
 226:2 266:20
hand-typed 194:17
handedness
 102:10 103:3
handful 48:14
handing 210:11
handle 267:3 285:9
handled 142:11
 293:16
handling 75:6
 138:21 142:6
 174:21 270:10
hands 75:20
hanging 326:8
happen 8:22 45:20
 51:10 53:17 82:14
 113:7,8 134:3
 151:7 162:11
 205:16 221:18
 251:20 254:17
 289:20 290:5
happened 94:4
 117:5,6 162:7
 212:21 213:8
 279:20
happening 30:20
 50:6 95:13 132:6
 255:19 271:22
happens 48:6
 53:16 74:18 94:21
 95:1 111:10 116:6
 157:21 190:16
 289:14 296:19
happy 67:19 68:3
 227:4 241:2

harassment 50:6
 287:7
hard 26:7 82:17
 121:19 130:8
 166:11 261:22
 263:11 305:7
 309:15
harder 74:8 105:10
harmonize 182:19
 183:7
harmony 186:10
HARRISON 1:16
 17:22 18:2,16
 49:13 84:7,16
 85:9,17 86:9
 87:10,16 109:7
 111:20 112:3,7
 136:18 137:9
 249:21 250:2,16
 250:20 251:2,13
 252:1,15 294:6,18
 295:14,18
hazard 131:22
hazing 287:7
heading 167:15
headquarters
 213:16 229:7
 230:10,11 231:15
 231:16,17 232:3
 232:15 289:1
 325:16
headquarters-ce...
 224:16
health 66:11
hear 7:11 31:12
 47:4 153:15
 154:20 158:20
 175:10 176:21
 178:21 264:11
 301:19 303:21
heard 4:9 8:5 136:1
 145:7,10,15 154:8
 154:15 159:12
 163:5 169:2 180:1
 192:5 204:18
 206:22 207:2
 224:15 226:9
 230:9 231:11

232:17 234:14
282:12
hearing 8:16 13:17
203:13 230:21
269:20
hearings 12:4
250:19
heart 147:21 205:2
held 95:17 175:5
293:13
HELM 205:6,6,7
help 9:14 17:9,11
21:13 114:8
129:14 157:19
236:12 280:18
283:5,14 291:17
296:22 299:16
308:19
helped 115:9
helpful 15:13 30:10
69:1 107:5 113:4
142:21 152:18
219:14 232:9
helping 216:10
helps 152:19,20
173:21
hey 216:14 318:13
high 58:17 118:20
126:21 127:16,20
128:1 218:9
238:19 268:14
269:11 271:3
high-level 189:2
higher 114:9 128:2
169:14 207:18
208:18
highest 127:15
181:21 295:1
highlight 229:9
highlighted 174:15
215:21
highly 21:13 22:2
44:3 62:9 81:13
220:11 238:18
highly-trained
76:19
Hill 166:12 167:20
168:11 256:2

HINES 2:12
hire 23:12
hiring 157:7
historical 246:4
276:18 277:5
historically 252:15
history 66:2,7,11
66:11 71:12 77:2
77:5,14 85:20
89:15,16,21 213:7
280:9 320:11
hit 46:8,9 122:3
196:4
hold 176:16 192:4
204:17 221:5
226:3 303:11,18
holds 167:4
homicides 284:9
HON 1:14,16,22
honestly 226:12
honor 52:9
honorably 84:19
hope 120:5 131:22
132:6 157:12
319:3
hopefully 87:1
157:11,12 169:22
hoping 256:7
horizontal 215:18
Horton 226:17,18
227:2,5 228:4,9
243:6,11,22 261:3
262:2,10 276:6
288:11,18,22
289:11 312:19
324:10
hostile 285:20
hot 328:15
hour 4:11 113:2
251:3
hourly 49:20
hours 76:13 113:14
136:22 141:19
168:21 213:11,11
house 23:10 167:20
housed 24:2 50:16
how's 246:22
HRC 198:21

HTML 197:17,18
hub 221:14
huge 22:16 141:3
298:18 319:21
320:5
human 75:8,15,20
76:18,19 80:12
194:19 198:17,18
198:21 200:11
hundreds 11:17
28:14 294:8
295:12
hybrid 283:8
hyperlinked 197:19
hyperlinks 25:20
hypothetical 309:7
hypotheticals
249:22

I

icon 26:1 139:15,20
idea 84:8 173:21
220:2 232:13
239:7 278:1 291:2
ideally 262:11
ideas 85:7 113:20
114:2 154:15
280:22
identical 240:4
identified 43:18
218:18
identifiers 59:7
identify 43:20 44:2
60:11 80:15,17
91:13,14 120:13
135:3 169:22
175:20 176:6
181:20 256:9
320:3
identifying 43:2
92:9 107:7 176:1
193:12 255:6
261:10
identity 47:13
65:18 74:11 91:20
illegal 65:21
illustrating 73:12
imagine 20:19 73:9

267:17
imbalanced 34:4
immediately 46:15
48:11,18 167:2
impact 7:2 60:17
65:16 90:1 147:16
187:18 297:3
302:13
impede 147:20
impeding 148:13
impinge 100:14
implement 18:19
185:2 192:11
implementation
174:11
implementing
38:14
importance 6:9
224:11
important 26:21
36:17 79:18 80:17
86:13,22 91:11
94:12 95:2 114:12
116:12 140:9
145:15 146:7,8
160:3,10 187:12
187:13,17 214:2
217:18 222:9
253:10 266:14
270:12 272:8,8,10
273:9 274:5 281:4
281:14,15,16,20
282:8 284:4
287:18 319:13,17
320:3,20,21
impose 60:22 190:7
imposed 56:20
57:8 59:12 66:7
111:15 119:17
imposing 66:17
impossible 223:6
299:5
impressed 219:17
improper 152:3
improperly 53:18
improve 38:5 68:16
219:16 256:12,16
improved 115:7

230:16	increasingly	13:13,16 14:1,19	189:17 191:21
improvement 6:13	285:16	15:8 23:7 29:12	193:15 194:22
improvements	incursions 189:16	29:18 33:15 34:2	195:18 196:6
219:15 291:8	independence	34:4,7 35:1 36:1	199:14,20 200:16
improving 153:22	183:20,21 189:16	38:7 41:2,6,8,11	205:19 206:6
in-depth 225:1	189:17	41:14,15,16 42:8	211:3 215:13
inadvertently	independent 81:20	42:13 43:3,18	216:1 219:1 220:3
142:17 162:22	126:2	44:3,7 48:10	220:5 226:2
inadvisable 223:6	indicate 163:21	49:11 50:10,21	228:20 229:4
223:13	indicates 26:2	51:5 52:5 53:2	232:7,22 233:1
inappropriate 4:11	240:19 243:15	54:3 55:1,10,13	234:10 235:14
inbox 198:22	indication 49:2	57:9,14 58:15	243:13,15 244:9
incapacitated	indications 236:1	59:6,7,18 61:17	248:11 249:15
273:5	indicator 97:5	62:1,3 64:13,15	253:11 254:8,13
incarcerated 55:18	indicators 265:11	65:11,13,16 66:4	254:20 255:12,16
inception 234:22	265:14,16,17	66:9 67:3,5,14	255:20,21 258:11
278:2	indicted 242:2	68:2,20 69:14	258:13,15,19,22
incidence 181:17	indictment 13:2	71:1,7 72:5,11,15	259:10 266:9
184:13 191:1	58:7 63:21 69:11	73:8 75:2,9 76:9	277:21 282:6
incident 179:19	97:18 122:8,9	77:15 78:2 79:11	284:17 286:2
320:10 322:2	individual 11:7	82:12 84:2 86:12	288:9 291:10
Incident- 186:16	25:15 40:12 49:15	87:22 88:3 90:5	295:16 319:4
incident-based	50:8,12,13 67:21	91:12,13 92:5,16	321:1 325:3
187:7,9	81:2 97:15 149:20	92:21,21 93:6	informative 144:14
inclined 294:6	150:12 196:4,16	95:17,21 96:7	144:20
include 11:6 41:21	197:2 199:6	97:19,20 98:12	informed 78:12
42:20 65:10 179:4	209:14 238:21	99:3 100:13,17	127:18 132:1,19
220:6	247:18 276:2	101:13 105:8	initial 159:5,11
included 223:18	298:11 303:9	107:16 108:4,18	160:20 161:2
includes 7:22 204:2	individual's 204:3	108:21 117:12,13	185:16 191:4
232:8	individually 54:20	118:11,18 120:10	199:17 211:16
including 13:8,18	72:11 204:9	120:14 121:6,8	213:2 293:6,7
40:7 42:12 183:1	individuals 16:17	124:9,11 125:19	initially 159:10
202:10 227:14	54:5 55:15 76:3	126:15 129:3	177:14 200:7
230:20	93:14 205:18	134:2 138:13	initials 11:13 25:7
incomplete 184:19	267:8 284:12	142:7,9,16,20	initiation 199:17
inconsistencies	induces 224:19	143:22 144:7	initiative 277:4
116:4	infer 241:20	148:12 149:20	injuries 320:16
inconsistency	influence 47:3	150:10 157:3	injurious 189:4
161:17	151:13 152:6	164:20,22 165:8	input 42:11 59:3
inconsistent	153:2,15 159:21	166:19 168:13,20	61:20 126:19
292:20	160:2	169:16 170:20	161:4 196:2,7
incorporated 176:7	influential 319:16	171:16,17,22	199:16 274:14,22
incorrect 317:8	influx 81:5	172:9,11 173:1,3	275:1 291:3 298:8
increase 36:15	inform 60:18,21	174:1 175:8,19	301:4
87:20 218:13	information 7:3,9	176:18 181:4	inputs 117:2
increased 217:17	7:11 10:7,21,22	183:4,5,10 184:5	214:20 220:3
increases 48:13	11:20,22 13:3,6	187:18,20 189:13	282:19

inputting 146:7 205:19 211:20	intentionally 142:17	322:22	158:9 160:18,20
inquiries 213:20 231:19	interest 49:17 67:2 79:20 109:15	intimately 108:13 228:11	161:3,9 162:13,14 163:22 235:4,10
ins 154:12	130:14 148:10	intra-installation 177:14	254:9 292:5,17,20 319:6 324:4
inside 143:2	261:11 287:12	intranet 143:3	investigator 2:10 155:12 216:22
insist 238:21	310:14 314:15	intrigued 84:11	investigators 161:20 162:4
Insofar 187:19	316:6	intrinsic 276:17	163:5,13 295:19 321:22
inspects 291:6	interested 42:12 78:15 83:3 85:1,2	introduce 168:6	investigatory 228:21 324:17
installation 151:14 177:18,21 179:8 227:22	110:17 116:17	introduced 110:4 232:6	investment 80:12
installations 229:6	119:9 167:21	Introduction 3:10	invitation 68:2
instance 162:21 196:2 207:7 208:1 208:19 210:2	174:18 237:4	intrusion 129:7	involve 15:9 142:11
216:8,12,19 218:5	269:20 271:12	intuitive 262:15,21 263:9	involved 35:17 62:6 83:11 108:13
268:17 269:6	307:22 308:10	invaluable 21:8,9	123:16 181:3,10 189:21 194:13
270:17 274:20	311:20	inversely 80:7	197:2 203:12
279:16 303:18	interesting 54:18 66:21 73:21	inves 317:9	225:14 238:7,9 270:7 271:1 313:4
instances 44:1 54:7 55:4,6 103:6	107:11 166:3	investigate 162:3	313:5 314:17 315:13 316:2 317:6
instant 46:8	224:3 226:4 237:7	investigated 163:21	involvement 319:20 320:1,17 321:2 323:14
instantaneously 26:8	267:1 305:18	investigates 253:21	involves 47:14 224:14 265:4 318:20
instigation 236:4	Interestingly 66:17	investigating 255:6	involving 5:13 9:15 71:20 142:20 258:16
instructed 265:9 307:4	interests 280:9 281:7	investigation 1:3 4:6,20 5:11 6:21	IPAD 5:1
instruction 275:10	interface 194:5,12 220:13 230:1	30:1 42:22 43:7	iPhone 255:1
instructions 25:14	intern 52:22	69:6 93:5 105:7	iPhones 22:17
instructive 63:13	internal 165:13 166:1 193:11	106:18 107:14	ISRAEL 2:13
insufficient 119:4 290:13 291:13 292:16	202:15 232:2 251:18	108:1,19 122:12	issue 8:3 29:13 35:20 88:4 107:9
intake 190:9	internally 82:2 308:18	122:21 160:16	125:4 142:5 160:1
intakes 291:5	internet 9:12 22:8 143:3	161:22 162:15,18	163:8 165:10
integral 38:22 285:12	internet-based 38:20	162:19 177:5	167:16 173:2
integrate 221:1	interpret 126:19	179:12,19 185:16	179:3 208:4
integrated 65:7 138:8	interpreted 258:12	199:9,12 215:3	236:13 246:12
integrates 185:11	interpreting 128:4	216:13 229:12	251:21 259:22
integration 219:18	intervening 189:8 190:3	235:1 254:14	261:5,15 262:12
integrity 277:5	interview 207:11 210:11	278:2 313:3 317:5	
intelligence 75:14	interviewing 163:14	318:21 320:6,8	
intelligent 33:3	interviews 163:11	321:3 327:12,22 328:4	
intend 161:7	intimate 184:10,14	investigations 63:19 93:14 159:3	
intent 94:17		159:4 167:12	
		188:6 193:4	
		199:16 324:14	
		investigative 147:18 149:5	

293:22,22 296:5
 296:22 319:21
 320:5
issued 173:5
issues 6:9 14:22
 18:17 48:15 59:20
 62:17 116:19
 142:20 158:14
 174:9,14,22 175:2
 175:17 177:6
 178:19 181:11
 182:15 203:15
 207:21 240:20
 253:13 261:6
 264:9 266:20
issuing 141:14
it'll 108:20
item 130:13
items 69:8 73:1
 198:16
iterations 146:3
 263:16
iterative 186:15

J

J 1:18
JAG 2:6 131:16
 192:12 193:17,19
 194:6 201:10
 228:16 230:3
 272:16 295:15
 314:4 327:10
JAGs 114:6
jail 79:20
jails 181:14
JAMES 1:18,19
JANICE 2:10
January 6:3 158:5
 158:18 185:6
 301:10
January/February
 171:4
Japan 298:20
Jennifer 1:17 5:4,5
Jessie 221:10
job 30:4 104:22
 114:5,16,17
 145:19 163:14

180:19 183:6
 225:15 267:22
 278:11,15 286:5
jobs 99:7,9 227:18
joined 145:11
joining 8:12 81:18
joint 227:7,10 274:7
 274:8,8,9,9
jointly 229:16
Jones 250:4,12,12
journalist 49:14
journalists 49:22
JPP 6:12 164:18
 232:7 247:3,4
JSC 253:2
judge 11:2 15:2
 16:7,7,10,15,16
 16:20 17:1,6,12
 17:16 20:9,14
 22:4 23:4,15
 25:12 29:1 30:13
 31:9 32:1,10,16
 33:14 34:6,8
 40:17,21 45:11
 46:3,4 48:4 49:8,9
 54:18 55:3 56:1
 60:2,21 71:5
 74:21 76:17 78:9
 79:9,14,17 86:1
 87:17 89:10,16
 91:14,20 92:11,12
 92:19 93:7 95:6
 95:11 96:16 97:17
 98:5 99:5 100:21
 105:6 107:20
 110:3,8 111:21
 113:11 117:9
 128:11 129:4
 130:10 131:8,10
 132:2 136:21
 146:21 147:18
 148:8 149:6,9
 150:1 151:9 161:5
 161:18,22 201:12
 203:10 221:13
 228:9 230:3
 264:11 280:5
 283:13 287:13,16

291:8 306:21
 307:4,11 325:14
judge's 11:12 23:5
 25:7 60:22 123:1
 123:11
judged 264:14
 265:1 266:17
judgement 306:21
judges 10:2 12:1
 19:11 21:15 29:10
 31:21 44:20 45:18
 56:19 60:18 66:16
 66:22 86:6 89:10
 89:11 92:10
 119:17 149:12
 153:5 189:15
 200:19 201:2
 238:21
judges' 34:10
judgment 43:1 55:5
 58:6,9 69:2,22
 92:14 105:4
 122:21 125:16,21
 126:13,16 127:17
 132:13,19 144:2
 284:4
judicial 6:11 8:22
 15:12 16:9 29:8,9
 31:8 34:3 38:2,15
 39:7 81:21 82:1
 138:7 189:12
 228:22
Judicial's 38:4
judiciary 19:1
 20:10 38:8 40:9
 40:10 42:5 143:2
 203:8 227:7,10
 229:7
judiciary's 38:10,14
 38:18 42:14
Julie 2:8 8:10
July 166:16 175:12
jumping 314:9
June 200:12 217:13
junior 303:15
jurisdiction 188:15
 188:16 193:9
 197:14 203:9,22

239:16
jurors 43:3,3
jury 41:13 47:3
justice 5:19 6:8,18
 7:6,15 40:20 43:5
 56:14 65:9 98:1
 100:8 127:5 132:3
 153:4,22 154:2,4
 167:22 180:16,17
 182:1 184:8,18
 185:11 186:7
 190:4 191:11
 192:9,13,15,21,22
 193:14,16,20
 195:4,5 196:13,22
 197:12 203:21
 220:20 223:15
 226:10 227:9,15
 228:12,13,18
 229:11,17 230:5
 231:14 246:14,20
 252:5 257:3 258:6
 265:6 273:11
 277:20 279:10,12
 280:11 281:5
 283:22 284:1
 295:4 328:1
Justice's 7:14
juvenile 43:1
juveniles 183:2
 191:7

K

KATE 2:20
KATHLEEN 1:15
keep 35:3 37:19
 74:16 126:5
 154:18 220:12
 242:21 286:13
keeping 12:3
 211:19
keeps 64:17
KEITH 1:16
kept 96:18 117:16
 325:5 326:15
key 63:3 103:19
 107:19 114:19
 229:3 263:10

keyboard 139:18
256:4
keys 24:17
kick 145:14
kidding 276:10
kidnapping 106:8
106:11,12
kind 27:6 36:11
42:21 76:2 82:15
93:6 104:11 107:4
131:14 138:5
146:19 155:20
157:18 166:11
171:15 189:2
225:10 226:15
229:16 233:8
238:17 256:17
257:4 263:7
265:15 272:6
284:17 302:7
310:8,13 323:6
326:8
kinds 48:19 139:22
190:12 265:20
285:9 303:4
321:10
King 2:13 328:13
328:14,18
knew 93:13
knock 209:20
know 21:11 22:1,15
22:16,21,22 24:3
25:3 28:10,11,13
33:13 34:19 35:21
36:6,13,20,22
37:11 44:11 47:5
48:7 49:3,6 50:5,8
50:22 54:9 55:6
55:20 66:21 70:19
73:15,17,21 74:10
77:6,16,21 79:7,9
82:8,8 83:13
85:15,16,21,22
86:2,16,18,19
87:4,14,15 88:8
88:17,20 89:10
91:20 94:1,3,13
94:15,15,16 95:3

95:14 96:3 97:1
98:20 99:16,16,19
100:8,16 102:6,12
103:3,13,14 104:5
104:15 107:12
108:15 109:19
110:2 112:15
115:6,17,19 116:2
117:6,7,11 118:2
119:10,13 122:8
123:22 125:1,4
126:6 127:20
131:21 133:1,5,14
133:15 134:20
135:9 136:8
137:14 139:17,18
143:5,8 144:10,13
146:8,17 147:4,11
147:12,17 148:16
148:18,19 149:18
150:8,18,18,19,22
151:6,18 160:2
161:1 163:17
167:14 170:1
172:20 173:20
189:15 190:21
191:8,20 199:10
199:22 208:4
211:1 214:5,5,6
215:19 216:1
219:5 220:20
222:16 224:9
225:22 232:4
233:13 239:19
240:20 241:5,6
244:5 246:14,21
247:2,7 248:4,5,8
249:1,2,4,10,11
252:1 253:10
254:11,20 255:4,7
258:18 261:11,16
262:12,17 263:17
267:20 268:16,17
268:19,21 269:5
269:18 270:13,21
273:19 274:2,5,11
274:20 276:10,12
276:14 278:7,14

278:17,18 281:5,7
282:3,8 283:7,8,9
284:20 289:1
290:19 292:18
293:20 294:9,20
296:1,8,11,17,18
297:2 299:1,18
300:15 301:1,22
302:13 305:9,9
306:7,12,17,19
307:5 308:22
310:2,9,12 311:13
311:22 313:12
316:5,10,15
319:14,17 320:20
322:17,17 325:13
327:2
knowable 96:9 98:7
knowing 270:10
292:22 301:3
knowledge 269:3
269:16 315:6
known 4:8 49:11
96:9 188:19 222:8
278:11,12 290:21
knows 70:20
139:10 161:5
163:14 304:19
Kramer 1:17 27:22
28:6,14,18 44:21
48:19 49:12 96:12
96:17 97:9,12
98:4,8 104:1,18
105:2,11 106:6
109:6 112:2,6,8
112:16 135:9,17
135:20 136:11
305:16

L

L 102:11 103:4
labor 210:15
lack 111:10 191:10
223:4 254:5,5
lag 46:3 48:7,16
lags 48:1
laid 237:3
Lakes 270:18

language 24:19
26:20 27:7 172:18
265:18,19 266:3
277:14 290:10
293:17 294:3
303:16 304:2
laptop 22:9 24:3
large 9:14 19:19
25:1 54:7 62:13
63:6 184:11
186:21 187:1,8
214:21 257:4
285:16
largely 321:1
322:10
larger 110:16
largest 129:16
last-minute 180:18
lastly 199:7 203:18
late 45:2 89:19
186:18
Laughter 28:5
95:19 113:16,18
156:17 164:6
178:22 180:6,9
205:3 228:5,8
234:1,4 250:1
251:11 257:1
259:4 275:9,11,13
279:4,8 281:1
289:13 294:16,19
295:2,6 297:8
305:12 309:8
328:17
launch 184:17
launched 10:11
laundering 127:4
law 9:6 16:8 21:15
33:16 38:7 63:19
95:9,15 117:3,11
132:20 182:21
183:20 184:21
186:5 187:2,8
216:22 220:2,15
234:17 235:2,20
236:13 240:18
242:22 249:13
265:2 273:3

295:10
lawyer 221:19
 288:8
lawyers 25:15 55:2
 84:17 220:14,18
layer 287:3,14
 298:15
layers 299:1,4,4
lead 56:11 241:19
leaders 229:1
leadership 67:1
 177:4 181:1 186:4
 201:11 206:2
 213:9 217:15
 218:3 265:13
 266:15 269:2
 300:8 314:4,4
leak 172:1
lean 230:7
leaps 188:4
learn 75:15 296:4
 305:8
learned 18:22
 238:13
leave 177:18 205:9
 209:20
led 56:16 181:12
left 90:2 102:7
 115:19 153:9
 194:12 204:22
 249:19 289:16
left- 102:9
left-hand 215:15
left-handed 103:2
left-handedness
 102:6
legal 7:18,19 29:9
 60:13 65:20 81:17
 89:5 95:8 126:1
 159:22 177:2
 193:22 211:5
 221:14 227:12,12
 229:19 230:7,10
 230:11 234:16,20
 263:7 289:2
 323:14 324:20
 325:8 327:18
legally 66:16

legislation 60:17
 168:6
Legislative 2:8
legitimate 88:1
 89:2 95:8 120:8
legitimately 100:14
length 13:19 30:19
 34:12 59:11
lengthy 159:2
 162:12
LEO 1:14
lesser 80:12
lesson 305:7
lessons 18:21
let's 28:7 50:4
 112:17 208:2
 309:5
letting 81:1
level 13:12 35:12
 70:15 71:21 72:13
 77:15 121:14
 124:16 128:20
 143:19 147:18,19
 147:19 149:6,6,7
 169:15 189:5,7
 194:7,7 206:17
 207:18 208:18,18
 209:13,22 210:1
 230:7,7 257:6,8
 259:7 283:1 289:1
 306:10 308:11
 309:20 311:8
 325:4
levels 15:17,20,22
 16:5,11,13 35:13
 80:15 143:6,9
Liaison/Attorney
 2:8
liar 290:8
liberty 1:11 79:12
 79:20 209:16,20
lieu 312:2
lieutenant 206:3
 209:15 212:17
 229:22 287:20
 288:1
life 13:20 90:15
 189:1 227:16

life's 183:16
light 232:17
liked 213:1
limit 27:6
limitation 65:9
 76:11
limitations 63:13
 73:13 91:12
limited 51:16 111:7
 111:18 230:2
 233:13
limiting 62:6
limits 63:12
lines 218:7 308:20
link 12:12 26:5
 187:20 299:14
linked 299:20
 321:14 322:7
links 43:13
list 33:14 74:7,17
 97:6,7 138:19
 165:15 167:1
 316:5
listed 223:14
listen 85:6 87:1,12
listening 283:19
lists 97:12,14
little 26:1 35:4 68:9
 69:7 103:7 107:18
 115:17 117:18
 131:1 132:16,18
 145:6 178:4
 212:14,22 216:8
 256:17 267:15
 293:21 300:17
live 10:8 21:5,19
 136:20 250:3
 286:22 318:12
living 20:19
load 48:13 236:15
 283:6
loaded 248:7
local 11:8 19:19
 23:20 25:10 36:8
 135:10,20,22
 136:3 186:13
 187:8 239:14
 252:17 301:16

324:20
located 42:15
location 98:15
 145:17 204:3
locations 145:18
locator 50:14
locked 103:18
lodging 137:12
log 135:14 193:18
log-in 14:4,6,10,12
 141:19
logical 116:4
login 37:5 41:5,8
 43:11
long 1:17 5:5 27:18
 33:7 142:1 145:12
 159:10,14 207:8,9
 207:13,14,16
 213:2 218:19
 266:21 267:11
 269:19 271:16
 273:15 276:9
 277:13 281:21
 299:7,12 300:10
 301:8 304:17,22
 305:9 322:4
longer 48:7 74:16
 159:7 199:1
 267:15
look 8:15 19:1 23:2
 26:5 28:11,12
 52:2 71:1,14
 72:10 75:9 76:8
 77:6 78:2 79:10
 81:2 82:6 89:19
 94:20 99:3 103:11
 112:17 115:2
 116:3 125:11,14
 127:12 130:8
 133:21 148:1
 154:6 156:12
 157:9,19 158:15
 158:17 159:18
 160:12 161:10,12
 162:10,17 163:7
 164:1 170:3
 207:19 208:21
 209:10,12,17

213:2,6,6,7	143:4 146:1 154:8	316:21 317:2,8,16	306:10 312:19
218:17 219:10	163:21 178:19	317:19 318:2,6,10	324:10 325:11
230:12 232:12	219:11 235:6	319:8 323:22	328:14,18
244:20 245:1	245:4 254:10	326:2,20	MAJCOM 230:11
246:7 247:7	258:15 269:13	luxury 99:18	major 2:13 5:3
254:11 258:17	271:20 272:3	103:16 110:15	18:17 36:3 221:8
268:19 270:2,19	277:11,12 285:10	126:9	221:10 226:17
286:17 289:22	297:16 299:16		227:5 228:6 229:7
290:11 292:13	307:13		241:4 273:16
300:20 304:18	loud 277:8		305:16 324:9
309:10,21 310:8,9	love 44:15 301:21		328:13
311:22 312:13	318:11		makers 189:9
315:4	low 37:20 118:20		making 36:18 47:7
looked 19:2 35:18	128:22 130:16		55:15 64:14 74:2
45:5,7 54:15	188:5 269:8 306:6		78:11 82:14 92:19
88:17 92:17 93:15	306:8 310:1		122:20 150:11
128:13 137:1,8	lowly 252:3		153:17 174:5,10
looking 20:3,5	LTC 192:7 245:20		197:7 231:12,19
30:18 33:6 35:20	246:8 250:14,18		231:19,20 249:21
49:4 52:4,8 72:11	250:22 251:6,12		254:11 302:8,14
80:4,6 122:2	252:7,20 253:3		makings 262:21
128:16 133:20	263:2 280:20		MALE 95:22
134:3,9 159:19	281:2 292:2		manage 9:9 10:7
160:18 168:20	300:18 311:10		12:2 22:12 26:4
179:1 182:9	312:11 315:22		197:4 205:20
217:13 231:19	327:8		206:16 212:14
235:16 236:3	Luken 204:20 205:4		216:10 217:5
240:16 247:16	209:4 210:6,8		218:1 283:6 286:3
253:1 259:2 268:8	215:11 216:6		299:17 302:1
269:4,22 272:16	221:7,17 232:10		managed 14:15
277:17 279:22	245:4,8,11,18		207:5 210:2
292:10 298:6	248:1,5 251:22		229:15,19
302:6 310:3	257:2 258:8 259:8		management 3:12
311:13 313:8,20	264:1 267:4,10,19		3:16 9:6 10:5
314:16 317:14	270:12 271:18		38:19 148:22
looks 46:11 122:2	272:5 275:12		192:9 193:10
215:1 284:8,9,10	279:9 287:3,14,18		196:12,16 197:10
290:1	287:20 288:1,6		200:17 201:9
lose 179:14 207:2	289:14 293:11		202:19 206:1,2
220:17 296:21	294:17,20 295:3,7		222:3 228:13,14
loss 104:8	295:17 298:6,18		229:5 231:9
lost 120:6 214:9	298:22 300:3		234:12 235:17
lot 18:20,21 20:4	301:13 302:16,19		236:20 246:13,22
30:13,14 78:14	303:3,8,14 304:9		247:9,18 260:8
83:7 84:2 96:6	304:14,21 305:1		262:20 264:10,13
99:14 111:1	309:6,10 311:3,5		264:14,18 265:6
125:15 138:16	314:12 315:10,14		266:5 267:13
139:21 141:4	315:17,20 316:19		271:11 281:12

- manager** 206:2
234:17 235:2,21
236:13 240:18
242:22 270:8
- managers** 177:1,2
- manages** 192:13
288:19
- managing** 6:1 9:14
76:3 208:18
282:22
- mandate** 5:10 74:5
74:15 83:6,20
107:15 108:12
111:4 186:4
- mandated** 63:3
69:3
- mandates** 296:8
- mandatory** 32:17
87:19 93:3 103:9
195:8,10
- manipulation** 170:8
- manner** 62:9 172:5
173:7 174:2
231:14 236:21
- manners** 190:1
- manning** 207:20
217:11,19 218:14
231:20,21
- manually** 76:9
- manuals** 25:15
- March** 10:9 158:7
165:17 172:12
174:15 176:20
217:16
- Margaret** 1:15 9:4
37:22
- Marine** 70:16 156:4
221:11,12,14
222:2,5 277:18,19
278:11 290:18
325:11,16
- Marines** 70:13
206:13 318:11,11
325:10
- mark** 53:20 171:10
172:6 173:14
- marked** 171:12,17
173:2 268:14
- 271:4
- marker** 216:18
- market** 19:16
- marketplace** 19:7
- MARKEY** 1:18
23:16 24:5,8,12
24:16 26:19 27:1
27:14 120:9
122:14 124:8,14
124:16,21 125:3
126:11 128:4,10
253:4 256:20
258:4,9 259:5
296:3 297:7,9,12
297:16,20 298:17
298:21 299:11
316:17,20,22
317:3,14,18,22
318:4,9 319:2
- marking** 171:9,9
172:5 173:14
- markings** 173:20
- Markowitz** 5:4
- marriages** 274:9
280:7
- marrying** 293:19
- Marsha** 5:4
- Marshals** 185:13
- Martha** 1:11,14
- martial** 6:15 67:16
111:14 131:19
193:6 200:16,21
204:4 235:17
236:21 239:2
268:3 279:20
312:3,15
- Maryland** 202:12
- Mason** 2:15 154:22
155:1 164:10,11
164:13 170:11,15
171:3 172:3 174:4
174:6
- massive** 81:5
- Master** 291:5
- match** 102:20 135:1
- matches** 12:18
- material** 99:8
- materials** 17:20
47:19 61:16,22
120:20 175:9
215:16 232:5
- math** 115:16
- matter** 32:18 49:18
66:22 74:11,12,13
77:9,11 85:16
86:18 89:9 99:8
110:1,2 134:7
140:16 145:1
271:20 292:3
317:20 328:21
- matters** 15:5,11
45:17 84:2 85:21
86:1,2 142:8
144:15 205:6
227:14 228:19
271:21 289:5
- matured** 216:7
- maximum** 59:9
- Maxwell** 229:20
- McCaleb** 8:19 9:3,4
15:15 16:19,21
17:2 18:1,5,20
20:13 21:7 22:13
23:21 24:7,10,14
24:22 26:22 27:3
27:17 28:3,10,17
28:21 30:22 33:11
34:14,18 36:2
49:21 50:11 51:1
98:10,17 101:1
133:19 135:16,19
135:21 137:1,11
138:16 142:22
144:18,21 237:3
- McCaleb's** 238:2
- McCleary** 233:17
233:18,21 234:5
242:13,15 275:15
302:4 325:2
- McFarland** 235:5
- MCIO** 254:13
- McKINLEY** 1:18
131:14 174:8
178:10,12,16,18
179:1 180:4 274:7
- mean** 15:17 30:17
44:20 65:13 68:12
81:13 83:12 85:14
106:19,21 109:16
113:11 123:5
128:8 136:1,13
146:15 147:8
149:2 151:7 159:5
171:9,14 186:8
251:6 268:4
270:10 286:6
290:8 297:15
299:8 300:4 307:9
311:10 313:2
314:7
- meaning** 318:21
- meaningful** 73:18
73:19
- means** 11:18 40:18
122:1 192:19
265:20 277:14
289:8 300:8 317:9
- meant** 106:20
197:10 304:11,12
- measure** 89:4
181:17 182:11
183:22 186:21
308:6
- measured** 109:13
186:8
- measurement**
182:6
- measures** 88:20
182:9,10 210:16
- measuring** 181:13
184:4
- mechanically**
102:18
- mechanism** 252:21
285:4
- mechanisms** 140:1
- media** 261:13
- medium** 187:9
- meet** 11:8 19:12,16
60:12 165:14
181:9 187:2,15
208:10 265:11
- meeting** 1:6 4:10
4:14,19 5:6,15,17

- 7:11,21 8:2,6,10
8:11 138:5 158:5
165:3 169:5,12
171:19,20 175:5
175:13 237:1
328:12,19
meetings 114:20
114:21
MEGHAN 1:21 2:16
member 8:2 49:13
91:16 167:20
168:20 179:17
251:19 252:3
members 4:18 5:2
5:2,14 7:6 41:21
56:7 60:9,15 63:2
85:22 129:5 156:9
156:10,13 163:12
164:4 177:8,13
179:5 192:4
204:21 221:9
233:19 306:22
307:12
memo 222:8 241:14
244:12,17 314:14
324:7
memoranda 195:12
memorandum
161:4 222:7
memorialize
243:18 245:21
324:19
memos 209:18
244:19 245:1
men 283:20
mental 66:11
mention 38:12
140:22 165:12
275:18 302:5
mentioned 37:4,22
59:22 73:2,17
77:3 78:21 89:7
91:10 138:18
140:6 172:5
238:12
menu 76:10 104:6
197:15 243:3
246:9 313:1
- menus** 195:2
291:22
merely 93:19
merit 209:18
merits 161:3 222:7
messenger 23:11
met 45:19 167:5
237:3
meth 250:5
method 9:16 22:8
56:2 72:14
methodology
224:14
methods 62:21
metric 245:14
268:1,8,11 269:15
metrics 218:17
219:2 257:12
265:5,5,6,10
300:4
mic 251:10 275:14
microcosm 253:15
Microsoft 197:7
mid- 167:3
middle 109:20
146:10 190:11
237:10 272:6
migrates 26:12
military 3:15 5:19
6:2,7,16,18 7:4,6
7:17 17:18 26:12
66:12 68:1 74:13
76:5 80:18 88:6
105:14 106:17,20
107:2 109:8 111:9
120:5 129:13
131:5 132:10,14
142:6 144:16
148:16 153:4,22
154:2,4 167:22
174:20 177:5
180:3 188:2 192:9
192:13,15,20,22
193:5,14,16,20
195:4,4 196:13,22
197:12 203:21
220:20 223:14
227:8,15 228:12
- 228:13,18 229:11
229:16 230:5
232:21 246:14,19
251:7 252:2,17
257:3 273:10,22
279:10,12 280:11
281:5 283:16,22
328:1
military's 142:14
million 14:15,17
39:2,21 41:18
58:2 191:5
mind 8:19 9:1 30:8
74:16 82:19 119:6
131:8 154:18
158:22 220:13
mind-bogglingly
278:6
minds 306:21
mindset 82:13
mine 29:12,17 30:7
55:11 319:5 327:3
mined 55:12
minimum 32:17
59:9 93:3 103:9
minor 36:4,20 44:4
86:18 134:17
minor's 47:11
minors 71:20,20
minute 209:19
328:15
minutes 141:22
145:9 213:5
minutia 264:13
misconduct 5:13
misdemeanors
322:19
missing 88:15
115:6,20 116:5
121:7,10 190:12
mission 38:4 149:8
263:21
mistake 139:19
mistakes 85:12
134:8
mix 69:13
MJO 192:16 195:12
195:17 196:1,13
- 196:13,19 197:9
198:9,10,13,14,17
198:22 199:17
200:2,6,6 203:5
263:4 282:22
300:17,20 311:16
mobile 22:14
model 291:1
modern 225:3,11
modifications
57:15
modified 35:11
238:1
modifying 167:21
237:14
module 230:18
237:20
modules 11:22
230:16
moment 15:14 90:7
132:8 134:5 178:6
money 110:21
127:4 186:11,22
297:22 298:2,10
monitor 47:17
200:19 229:11
268:15,16
monitored 47:16
monitors 200:22
month 31:2 157:14
204:10,12,13
218:6,6 245:22
259:12
monthly 60:13
203:18 233:11
324:1
months 33:17,20
132:20 158:1
159:7,7,7,8 166:5
171:2,5 200:4
212:19 245:22
257:17 326:3
morning 4:3,17 9:3
37:22 56:6 151:13
154:9,16 169:2
224:16 234:14
282:12 302:7
307:15

MOS 278:12
motion 12:6 17:5,7
 27:8,10 29:15
 44:12 45:13 46:13
 55:7 136:15
 151:11
motions 9:11 12:4
 26:4,5 33:19 43:8
 133:10 140:13,15
 202:6
motivated 291:4
mouthful 4:8,22
move 45:3 145:4
 166:15 187:4
 188:6 195:9 206:4
 213:3 218:2 220:8
 261:2 263:5 277:3
 280:18
moved 22:16 45:4,9
 191:22
movement 282:16
moves 177:20
moving 15:1 68:15
 113:2 156:4
 206:10
multiple 20:21 26:3
 145:18 195:1
 263:16 311:19,19
 312:4 324:11
multivariate 169:19
murder 267:21
 268:6,18
murders 77:7,12
myriad 58:1 149:2

N

N 1:11
name 9:4 13:7,7
 37:22 44:3 47:11
 50:17 63:16
 134:17 141:17
 150:6,22 194:9
 203:10 204:3
 211:3 219:20,21
 227:5 278:14
names 50:19 60:2
 168:22
naming 53:8

narrative 149:18
 258:11
narratives 258:5
narrow 119:20
 198:3 237:21
 239:1,16
nation 32:19 183:1
 253:9
national 5:9,20
 10:10 20:17 42:9
 135:10,18 182:7
 184:12,18 239:8
 240:3,14
nationally 11:5
 19:18
nationwide 184:22
nature 15:6,9 51:20
 52:5 57:3 71:9
 90:19 97:6 138:17
 182:11 185:3
 189:18 320:10,16
Nav 295:11 326:6
 326:16
Naval 277:20
Navy 156:4 204:19
 222:2 236:4 245:3
 278:12 293:11
 314:13 326:2
Navy's 205:11
NCIS 207:11 210:21
 211:1,11 215:4
 326:19 327:5,5
NCOERs 109:19
 110:2
NCSX 185:9
near 71:3
nearly 14:16
necessarily 126:2
 226:2 277:9
 284:14 313:22
 314:9
necessary 10:22
 199:4 327:2
need 6:12 10:20
 17:4,4,9,9,11 20:1
 21:15 24:3 36:6
 37:1 82:2 91:20
 99:19 102:5,10

115:6 117:2,6
 121:10 125:9
 137:15 139:13
 143:8 144:1 150:9
 153:15 154:7,13
 154:13 178:6
 196:7 205:20
 206:3 207:3 208:7
 214:5,5 219:15
 220:11 221:1
 225:15 239:20
 240:10,12 257:17
 260:4,21 261:21
 273:8,12 276:4
 284:17 286:13
 290:11 296:21
 297:14 298:3,4,12
 298:12,14 310:4
 310:20
needed 11:3 16:13
 119:11 168:4
 187:19 230:14
 236:2 253:12
 299:10
needs 14:9 19:16
 30:5 38:8 51:16
 99:19 169:5
 198:19 205:16,17
 214:6
nefarious 41:11
neither 75:10
net 84:9 85:10 86:3
network 27:2 40:7
 143:1 227:19,20
 227:21
networking 146:4
networks 142:15
never 65:7 85:15
 111:20 142:15,17
 183:11 226:9
 266:10,12
new 35:13,15,19
 42:2 77:1 79:3
 89:20 103:1
 116:13 165:10
 166:16 194:10
 257:19,19,19
 273:14 294:8

300:3 320:5 326:9
news 27:22 94:9
NIBRS 184:17,17
 184:19,20 185:2,5
 185:8 186:16,20
 186:21 187:5
 253:14
nice 111:17 210:18
 214:4 219:9
 257:16 299:10
Nicolaus 224:4
nine 10:7 15:22
 113:17 263:4
 301:13 309:11
 328:15
NJIS 205:9 206:22
 277:20
NJP 155:20 157:1
 280:11
NJP's 279:22
NKO 246:2
NMCCA 212:10
nod 291:1
Noel 227:5 281:14
nomination 151:16
non- 14:18 228:21
non-anecdotal
 29:19
non-commission...
 174:20
non-judicial 193:5
 220:22
non-responsive
 244:13
non-stranger 270:6
nonprofit 40:14
Norfolk 206:14,15
 298:19
normally 325:2,5
northwest 268:17
notation 48:21
note 5:14 122:18
 136:7 141:7 281:4
notes 213:7
notice 12:7 41:7
 43:12 216:16
noticed 31:13
 254:6

notification 12:5,10
 190:22
notified 207:9
 210:20,21 215:4
noting 175:19
notion 75:8 265:18
November 10:8
 167:4
nowadays 310:13
nuances 183:14
number 11:11,11
 13:12 20:11 25:6
 31:3,3,21 33:20
 35:2,6 47:11,14
 47:15 50:18 55:4
 55:6 60:8 62:6
 65:14 88:10 93:9
 104:5,8 110:11,16
 112:14 114:9
 128:22 134:13,17
 134:22 160:15
 161:16 162:12,18
 175:17 177:10
 179:3 180:21
 197:9 201:15
 209:14 214:14
 239:13 240:1
 244:14 246:1,9
 250:17 269:8
 282:4 300:15
 315:12
numbered 230:10
numbering 49:5
numbers 14:2 25:4
 28:19,22 43:21
 52:20 87:3,12
 93:14,15 103:21
 133:22 157:1,9
 168:22 182:3
 219:12 253:10
 268:20 272:12,17
 272:17 273:6
 308:13
numerous 195:1,12
 196:14 202:3,14
nutshell 200:2

O

observation 224:8
 283:13
observations 22:5
observed 150:20
 150:20 266:7
obstruction 127:5
obtain 7:10 41:11
 189:19 243:19
 244:6,9,10
obtained 96:7
 175:20
obtaining 7:3 321:4
obvious 133:22
 152:9 223:2
obviously 62:15
 105:12 112:9
 117:14 119:18
 123:18 133:6
 134:22 136:14
 173:6 212:13
 218:11 220:10
 222:17 223:8
 245:6 246:21
 248:17 279:10,17
 296:10 306:3
occasion 128:7
occasionally 53:17
 135:5
occur 322:13
occurred 150:16
 321:19 322:2
occurring 124:17
occurs 224:17
 250:4 297:5
odds 272:4,5
off-the-shelf 19:2
offender 58:2 59:5
 59:8 60:2 64:5
 66:3,9 71:8 77:4
 86:6 88:8,9 89:7
 89:17 91:21 105:8
 313:16
offender's 89:13
 90:20
offenders 59:21
 64:8,19 77:17
 89:14 91:13 92:9
offense 13:10,12

15:9 32:4 71:20
 71:21 72:13 105:9
 140:7 163:20
 197:15 290:14
 291:14 312:17
 313:7 314:19
 316:2
offenses 15:6
 110:11,14 128:19
 228:18 312:1
 313:6 316:15,16
offer 234:9 281:3
office 7:13 8:14 9:7
 11:12 12:2 13:5,5
 13:9 17:10 18:10
 19:3 21:16 23:4,8
 26:15 29:7 31:1,6
 35:15 38:3 41:13
 47:17 50:16 54:6
 56:10 64:12,16,17
 69:4 81:22 82:11
 82:12 83:1,2 97:2
 99:9 100:20,22
 123:4,5,21 135:13
 136:2 138:4
 185:13 193:22
 196:18 204:9
 205:1 208:2,9
 211:5,6 218:13
 230:7 236:7,11
 237:2 240:5,8
 251:4 257:18
 282:20 288:14
 294:11,14 309:13
 309:22 324:13,20
 325:8 327:2,18
office's 198:14
officer 4:4 15:12
 83:15 122:11
 227:6,17,19
officers 118:4
 123:17 174:20
 217:10 295:15
offices 9:22 184:7
 185:14 217:20
 218:7 227:12,13
 294:9 301:14
 309:11 327:3

official 2:14 13:6
 124:1,3 171:10,22
 200:20
officially 211:8
 328:19
oftentimes 52:1
 132:14 186:11
 189:15 264:19
oh 18:1 24:14 28:3
 28:12,21 81:10
 94:20 101:7
 110:18 126:11
 133:9 209:5 228:4
 269:10 290:2
 294:5 301:19
 313:10 319:8
OIC 227:19
okay 24:12,16
 90:18 100:2
 101:18 109:6
 125:3 145:14
 155:4,5 156:8,19
 156:20 158:11
 159:22 161:16,17
 161:19 164:8,12
 178:1,8,16 179:1
 180:17,19 245:2
 259:12 293:4
 302:15 304:16
 311:6 312:11
 314:6 317:18
 318:9 328:11
Okinawa 223:8
old 33:19 200:4
 219:6
on-the-line 300:2
onboard 246:16,17
 301:18
once 44:21,21,22
 55:8 83:22 101:20
 103:20 105:17
 108:6 169:6
 171:12 194:10
 195:21 201:14
 207:12 215:7,8
 217:2
one-fifth 78:16
one-quarter 41:19

- ones** 73:2 292:10
 295:22 303:12
 304:8 313:18
ongoing 239:10
online 9:8 25:17
 192:15,22 193:20
 195:5 203:21
 250:7 328:1
onset 148:20
Op 295:11 326:6,16
open 4:15 23:9 26:4
 28:8 31:3 34:19
 141:9 235:2
 263:19
opened 13:1
opening 140:8
 141:8 254:4
operate 247:11
operates 283:21
 284:15
operating 139:13
 301:15
operational 64:20
 283:1
operations 10:8
 187:20 227:21
 299:14
opinion 152:3
 224:2 225:12
 248:7 249:6
 274:18 275:5
 276:6 277:17
opioid 250:5
opponent 44:15
opportunity 70:3
 107:15 192:8
 227:4 233:16
oppose 131:6
opposed 61:4
 138:15 213:16
opposing 10:1
 22:21 23:1
opposite 285:17
option 81:6 177:8
 223:3,11,16
options 11:20
 197:15 246:9
order 8:21 11:21
 29:14 55:22 58:9
 60:18 69:2 80:13
 102:20,21 122:22
 144:2 148:10
 153:21 154:13
 156:10 174:13,21
 187:4,4 202:5,5
 202:11 205:20
 214:6 217:5 238:1
 276:4 281:8 284:4
 298:3 319:14
 327:12
ordered 143:15
orders 26:6,7,8
 202:6 278:18
organization 20:20
 26:16 87:13 205:5
 208:13 256:5
 286:12
organizational
 59:21
organizations 7:18
 54:22
organized 194:8
orient 216:3
original 57:13
 124:19
originally 45:6,7
 98:3 171:3
ought 109:4 154:6
 154:9
outcome 32:6 90:1
 159:17 185:17
 292:9,18 319:15
outcomes 30:19
 31:11 33:9 50:7
 175:21 292:7
outdated 166:13
outliers 269:17
outs 154:12
outset 96:4
outside 59:13
 143:2
outstanding 220:11
overall 196:17
 208:13 219:13
 249:11
overcome 162:9
overhaul 6:19
overloaded 271:17
oversee 207:19
oversight 248:18
 249:16 295:9
overview 169:18
overzealous
 132:16
owned 318:11
-
- P**
-
- P** 1:18
P-R-O-C-E-E-D-I-...
 4:1
p.m 145:3 328:22
PACER 14:22 38:11
 38:13,16,20,21
 39:1 40:1,2 41:3,4
 41:7,8,11,14,18
 42:1 50:15 54:19
 55:18 141:8,10
 236:22 252:13
 282:14
Pacific 213:14
packet 184:9
 198:12,15
packets 214:12
 215:16
page 14:4 39:13
 178:19 215:1,19
 215:21 216:13
 217:9,11 218:5,16
 218:16 302:21
 314:13,17 316:18
pages 39:14 215:22
 258:18
paid 40:10
panel 6:12 100:19
 131:8 132:22
 154:3,16 181:22
 185:19 201:21
 204:21 215:12
 246:15
panels 11:2,2 137:5
paper 70:4 98:2
 121:21 122:3,5
 210:4 307:8
paperless 26:7
paralegal 2:17
 288:8 315:1
paralegals 230:4
 298:7,13
parent 72:2
parole 56:13
parse 91:21
part 5:19 14:21
 34:1 36:17 64:4
 81:16,21 90:15
 91:15 97:2 101:19
 107:12 108:15
 114:16 117:21
 119:8,8 123:14
 126:1,1 129:12
 171:21 186:4
 218:21 236:18
 238:22 242:7
 243:2,8,16,17
 244:3 262:19
 263:10 277:4
 285:13,13 302:6
 305:20 315:2
 320:1 322:8
 328:18
parte 43:6
PARTICIPANT
 28:16
participants 172:10
 228:20
participate 165:5
 165:19 166:1
 172:4,17
participated 164:17
participating
 172:16
participation 64:7
 64:15,18 223:5
 246:10
particles 150:20,20
particular 11:21
 16:14 32:4,5
 33:11 44:13 49:19
 51:11,21,22 52:4
 52:9,14 53:3 54:1
 55:3,3,7 56:10
 59:15,16 78:1
 86:8 93:10 102:14

- 102:20 103:8
128:17 129:21
131:12 197:19
198:5 211:15
241:10 255:8
261:11,12,13
271:8 284:18
297:5 313:9
316:17 325:14
particularly 44:14
162:20 163:19
181:10 187:1
189:13 191:3
parties 26:9 42:12
122:13 136:20
203:12
partner 184:10,14
322:22
parts 94:14 184:8
323:6
party 13:7 45:1,3,9
46:11 50:14
136:17 162:19
163:2,3 179:15
pass 235:15
passage 6:17
passed 5:19 20:4
119:22
passes 35:19
password 14:6,10
28:1 37:5 41:5
141:20
path 191:19 256:7
309:14
patient 91:1
pattern 313:4
patterns 133:21
PAUL 1:16
Pause 178:9
pay 39:19 54:22
55:13 133:6
183:12
paying 46:13 55:19
56:1 133:7 298:11
PC 24:4 241:5,5,6
244:1
PDF 121:18 124:18
196:11 197:17
199:1 202:21
PDFs 168:19
peel 53:19
pejorative 106:20
penalized 177:15
penalties 59:9
pending 30:19
33:19 60:17,21
151:16 215:3
216:13 233:3
326:10
penetrative 155:12
penny 21:2
people 17:19 26:9
26:13 44:10 45:5
54:9 55:12 62:6
62:15 70:16 76:12
79:2,8,13,20
82:11,21 83:1,7
83:14 87:7 93:9
94:5 95:17 100:15
103:21 108:3
110:21 114:6,6,14
114:19 116:9,10
116:12 121:16
122:1 125:20
130:14 133:17
145:7,19 150:10
152:8,10 153:6,10
160:4 163:17,17
183:17 188:5
217:5 219:12
249:11 259:15
260:22 269:7
271:7,12 276:1
285:16 289:4
294:10 295:11
297:14,21 298:2
301:2
perceive 118:15
perceived 119:21
percent 39:18,22
40:1 58:19 78:11
78:13,19 80:8,11
84:18 87:5 114:4
114:7 128:17
129:19 143:14
217:17 218:12,13
260:13 304:1
306:5 310:1
percentage 188:5
314:1,6,10,11
percentages
128:14
perception 160:2
160:12
perfect 54:10 95:13
255:22 316:1
perform 225:1
performed 129:11
performs 60:8 61:1
period 7:22 46:11
52:11,15 197:2,14
198:6 274:16
periodic 32:14
246:18
periodically 115:2
permanent 198:20
199:6 200:13
permanently
198:20 240:21
permission 14:12
17:8 37:14
permissions 16:22
permit 17:14
permutation
225:21
perpetrated 90:13
perpetration 90:12
perpetuity 73:4
person 72:1 73:21
75:15 86:16 90:14
95:4 106:15 108:6
108:13 110:1
115:3 124:2
125:14 127:1
130:19 146:15
150:12 153:7
157:11 161:21
213:22 226:14
261:12 289:8
306:16,18 318:15
person's 106:9
115:21
personal 14:1 87:7
111:19 114:13
301:15
personally 249:3
254:20
personally-identi...
48:9
personnel 81:2,8
102:2 109:3
121:14 178:5
194:6 230:3 289:2
295:11
persons 56:20 57:4
57:20 191:6
perspective 65:4
82:7 221:21
237:16 238:3
252:9 262:20,21
277:9 319:12
pertain 212:15
pertains 138:14
Peters 2:16 138:1,2
138:3 141:7 142:4
144:17 178:6
215:11 307:18
309:9 310:22
311:4,6 312:9,12
319:11
Petitions 201:4
phase 22:2 262:22
300:9
phases 193:8
phenomena 88:18
phone 22:14 24:3
209:2 216:20
225:5 257:21
phones 226:13
Physically 24:7
physics 150:19
pick 115:2 209:2
216:19
piece 91:21 98:2
101:13 106:19
117:11,19 118:1
121:21 184:10
258:19 266:9
304:18
pieces 51:3 234:6
272:3
piggyback 120:18

piggybacking 131:15
pilot 10:4,7 20:12
 21:19 22:2
pilots 20:15 21:3
pitch 111:3
pivot 257:11
place 22:10 61:22
 69:9,15 70:2,22
 83:22 91:22
 108:17,22 109:18
 110:5 123:14
 217:8 236:6 271:1
 276:20 279:14
 281:11 283:8
placed 14:4
places 46:20 84:6
 269:5 298:20
 326:14
plan 291:16
planning 169:8
platform 142:18
platinum 79:5
play 167:14
plea 43:9 58:9 64:4
 69:10 94:11 123:6
 129:18 130:5,19
 204:4,7
plead 129:20
 130:21
pleaded 131:2
pleas 129:20
please 5:14 8:3
 108:9 155:8 156:7
 156:19 158:11
 243:10 299:8
 325:10
pleasure 56:8
 180:11
pled 130:19
plethora 205:10
plop 206:8
plus 258:14 273:1
 273:10
PME 274:8
PO 292:3
point 25:13 26:19
 31:10 66:20 73:11

76:21 79:17,18
 84:20,22 86:13
 88:14 100:6 116:8
 119:19 164:15
 165:5 166:17,21
 169:13,21 180:2
 185:6 191:12,15
 207:9,12 208:4
 217:21 218:11
 220:4 223:20
 262:1,3 266:10
 299:12 301:1
 312:20 313:9
 316:10 320:7
pointed 110:9
 239:12
pointing 73:12
 151:4
points 81:15 84:14
 104:2 109:14
 110:16 112:4
 118:7 204:22
 218:9 261:6,7,21
 263:4 271:12,20
 294:8 295:8
 311:21
police 188:11,19
 190:22 191:3
 250:7 320:13
policies 38:15 42:9
 174:13
policy 3:20 14:22
 29:20,20 30:11
 31:16 33:2 38:8
 42:14 43:19 87:9
 134:6 174:7,8
 175:5 176:16
 177:15 179:4
 309:17
policy-making 61:3
pool 47:3 232:22
pop 112:11 267:20
 268:5
pops 70:21 115:17
 198:14
popular 28:3
populate 157:16
 247:6 328:5

populated 112:13
 124:12 157:22
 201:16
populates 194:12
populating 247:15
population 58:22
 110:14 182:7,12
 190:9 285:14,15
 285:16 323:15
portal 38:21 193:17
 193:19,20
portion 190:3
portions 268:10
ports 189:20
position 72:2
 214:18 254:21
 255:19
positioned 7:7
possession 112:4
possibilities
 183:13
possibility 46:22
 236:12
possible 11:10
 20:16 21:22 29:19
 44:1 72:3 84:9
 85:10 99:14
 136:19 137:9,11
 142:12 147:9,10
 158:17 236:3,8
 241:22 275:16
 307:8
possibly 47:2
 115:15 131:16
 187:15 236:1
post- 201:18
post-trial 193:8
 196:20 197:6
 202:3,18 212:6,9
 220:9
posted 5:16 47:19
posture 308:14
potential 43:3 47:3
 147:16 235:16
 240:17
potentially 72:16
 107:7 312:7
pound 21:2

power 189:11
practice 47:4 48:10
 126:3 136:3
 243:12 257:10
 326:3
practices 3:12 6:7
 7:16 14:7 19:20
 23:13 67:6 176:4
 279:14
practitioners 229:6
pre-built 202:14,21
pre-trial 42:21
 64:16 193:7
 196:20 197:6
 213:14
precede 8:21
precision 75:18
 80:3,9,15
preclude 223:1
predates 81:18
predicting 316:5
predictive 155:17
predominantly
 230:6 231:9 289:4
prefer 117:22
 155:19 196:3
preferably 244:6
preference 244:7,8
preferences 243:19
preferral 198:12,15
 207:17 293:2
preferred 156:22
 196:8
prefers 196:9
prejudicial 281:8
preparatory 176:16
prepare 226:19
prepared 123:2
 216:2 319:19
Presence 321:12
present 1:13 2:4
 5:3 6:16 158:4
 163:9 321:13
presentation 68:6
presentations 60:5
presented 73:4
 102:21 165:16
presentence 42:22

58:8 69:6 71:11
 72:12 92:15 96:13
 98:21 105:6
 106:18 107:14,22
 108:19 109:9
 122:12,21
presenter 8:13
presenters 8:17
presenting 68:20
 307:11
presently 44:1
president 56:17
presidents 180:21
 181:1
presiding 1:12
press 258:22
pressure 132:7
pressurized 208:15
pressurizes 209:9
presumably 72:13
 241:18 306:15
pretty 47:21 53:9
 75:17 104:20
 113:3 236:15
prevalence 181:17
 184:13 312:1
prevent 135:7
 179:18
preventing 134:10
prevention 176:22
previous 51:8
 66:10 310:10
previously 75:3
 164:15
primarily 191:22
 192:13 193:1
 234:21
primary 198:9
 325:21
principally 56:22
principle 150:19
print 122:4,4 196:9
 219:20
printer 205:1 227:1
prior 66:6 76:6
 77:18 90:11,20
 103:15 227:7,16
 227:16 273:9

283:16 293:2
 311:14
priorities 266:13
prioritize 273:8
priority 60:11
prison 64:8 86:14
 181:14,22
prisons 64:14
 181:13
privacy 38:15 41:7
 42:14 43:13,19
 133:3,14 179:20
 260:15
private 44:14,16
privilege 283:18
pro 16:19 17:2,9,14
pro-scripting 53:1
proactively 42:5
probabilities 321:6
probability 320:14
 320:18
probable 161:18
 162:1,2,6,8
 222:17,18,20
 223:12,17 241:22
 272:22 273:1
 292:16
probably 18:14
 26:20 77:2 78:13
 78:17 113:22
 114:9 135:22
 180:7 218:18,20
 219:5 230:17
 242:4,10 248:9
 258:1 276:4 279:1
 295:15 296:19
 300:15 301:6
 312:22 325:12
probation 64:16
 82:11 83:1 122:11
 123:17
problem 95:8
 111:12 148:16,19
 153:12 225:13
 278:21 284:11
 285:7 297:9
 321:18
problems 107:7

122:18 177:16
 189:12 221:20
 271:10 276:1
 285:19
proc 262:10
procedural 6:19
 228:19 308:14
procedure 13:11
 308:8
procedures 11:9
 12:21 25:11 42:9
 225:2 243:16
proceed 160:10
 223:22
proceedings 6:11
 39:16 144:11
process 31:19
 48:18 53:8 62:7
 63:18 64:14 68:16
 70:10,18 74:3
 77:21 78:1 80:22
 83:12 91:6,22
 103:15 104:16
 113:6,12 118:15
 119:14 120:14
 123:10,17 125:1
 126:17 129:12
 149:11 164:16
 167:9 170:21
 186:15 191:12
 225:14 229:13
 230:19 241:20
 254:3,9 266:10
 276:15 278:8
 280:12,12 292:22
 298:5 315:3 321:3
 321:16 322:16
 326:15
processed 231:13
processes 10:16
 12:15 15:20 121:9
 208:6,16 217:22
 218:1 228:22
 281:11 298:14
processing 13:14
 188:17 193:3
 202:9 204:12
 212:6 228:19

229:2,10 296:19
produce 29:18
 193:1 232:15
 233:11
produced 181:7
 232:7
produces 193:11
product 168:8
 281:21 304:3
productivity 196:18
 197:11
products 20:6
professional 60:6
 87:2
professionals
 62:14
proffer 151:19
profile 184:10
profiles 193:21
profit 208:15
program 3:17 38:2
 38:5,12 39:6,20
 57:7 64:7,15,18
 68:1 76:21 106:19
 116:1 176:15,22
 177:2,4,12 179:9
 185:11 187:5
 210:6,7,9 212:5
 234:16,17,20
 240:22 288:19
programmers
 18:12 102:2
 262:18
programming
 262:4
programs 115:11
 175:4 187:6,7
 239:14 274:14
progress 174:5
 202:18 250:8
progresses 13:15
 201:18
progression 201:8
project 9:5 18:8
 30:16 51:11 62:16
 73:7 113:9 164:15
 169:10 238:8
promise 92:6

promoted 159:16
promotion 150:4
promptly 41:13
 328:12
prompts 311:2,3
promulgated 30:2
promulgating
 202:5
promulgation 57:1
 202:5
proper 263:12
properly 321:22
propose 175:11
prosecute 118:17
 213:13 214:7
 249:7 260:7
 273:22
prosecuted 7:4
 67:15 245:13
 250:6,9 280:4
prosecuting 274:4
 280:18
prosecution 1:3 4:6
 4:20 5:12 6:22
 44:13 68:13
 131:19 175:22
 179:13 191:15
 209:18 211:6,7
 220:4 222:7 223:1
 223:5,11,12,17
 242:1 248:21
 250:8,11 293:16
 321:14 326:3,10
prosecutions
 188:11 206:11
prosecutor 46:21
 93:1 94:16,21
 95:1 118:13 119:3
 122:8 123:8
 147:17 151:8
 160:15 197:3,5
 212:17 222:12,15
 222:21 223:3
 241:22 244:5
 249:10 267:2
 280:4,17 283:5
 298:7 325:12
 327:17

prosecutor's 242:7
prosecutorial
 64:13 92:22 94:8
 95:21 100:4,14
 117:19 147:16
 161:3 241:20
prosecutors 63:20
 95:15 118:9
 132:11,12,15,17
 189:9,20 190:4
 222:11 260:7
 264:2 289:22
 299:17 303:15
 304:2,4 317:10
 319:3
prosecutors' 321:9
prospect 273:1
protect 179:20
protecting 42:7
 44:6 285:20
protection 299:2
protective 100:12
prototype 9:18 19:5
proud 167:17 169:6
prove 130:8 290:5
 306:13
proven 278:5
proves 221:16
provide 13:22 15:4
 54:3 56:18 58:5
 60:13,16,20 61:7
 61:15,21 67:19
 68:2 82:12 107:14
 118:4 138:6
 140:19 141:11
 158:2 164:14,20
 164:22 165:13
 168:4,19 169:1
 182:10 183:5
 186:5 189:22
 192:17 202:16
 214:13 229:5
 244:7 259:6 285:4
 327:11,14
provided 41:15,16
 66:12 164:21
 175:8 186:19,20
 214:8 215:8

225:18 232:5,10
 306:13 309:4
 326:12
provides 7:1 12:5
 39:1 41:10 43:12
 188:18 196:13
 229:10 304:17
providing 42:6
 154:22 211:19
 274:17
provisions 6:20
 59:10
PSR 143:22 144:3
public 1:6 4:9,11,13
 7:21,22 8:5,7
 14:18,21 38:2,4,6
 38:10,14,22 39:9
 40:6 41:2 42:1,6
 42:19 45:1,8,10
 45:15,15 47:3
 48:21,22 49:3,14
 54:6,17 57:9 60:3
 61:8 65:1,3 88:11
 91:11,16 103:20
 136:21 141:1
 171:8,14,20
 175:12 203:7,14
 232:19,19 236:20
 251:19 252:3,13
 283:3
publically 32:2
 34:22 54:2 55:11
 252:14 302:9,14
publications 60:4
 61:8
publicly 124:5
 203:16,20 204:14
 232:20
publish 32:3
 203:19
published 33:16,22
 39:9 149:20 168:4
 204:14 318:19
 324:1
pull 53:1,2 62:2
 75:9 109:4,5
 117:13 125:7,18
 168:21 194:18

209:17 233:7
 248:14 258:5,16
 303:19 314:20
pull- 103:3
pullable 247:20
pulling 126:4 141:3
 205:13 259:10
 287:10 300:4,5
 303:4
pulls 194:20
punish 89:16
punishment 130:12
 193:5 220:22
 228:22
pure 78:12
purpose 47:1
 154:14 177:11
 196:21 225:10
 231:10 272:2
 318:15
purposely 219:7
 303:3
purposes 31:7 41:9
 41:12 64:21,21
 71:16 76:1,4 90:9
 116:16 123:20
 175:15 193:1
 204:12 209:11
 275:20 286:4
 325:18
pursuant 43:5
pursue 52:10
pursuing 321:7
push 62:4 100:15
 100:17 108:3
 125:8 173:4
 199:15,20 216:22
 248:14 268:2
 272:1 297:16,20
 301:11 328:3
pushed 218:11
 302:17,20
pushing 126:4
 232:18
put 27:16 32:1
 35:14 46:22 47:10
 47:15 50:17 53:14
 72:22 74:8,9 76:9

105:22 108:1,13
125:6 139:14
206:8 208:11
210:13 211:20
219:5 238:4
241:16 263:8
269:13 272:7
303:17 307:5
311:16
puts 77:10,10 141:3
putting 72:6 79:19
126:7,9 133:12
206:6 280:16,17
303:9

Q

QA 120:19
QC 120:19
qualifying 107:8
quality 12:14,22
63:10 112:21
113:19,20 114:2
115:9 121:1
138:20 149:1
181:6 191:19
quantity 112:20
115:19
quarter 39:17,19
quarterly 114:20
quarters 285:18
queried 34:12
queries 232:14
query 22:15 34:17
34:18 50:9,12
241:4,8 259:1,6
312:14 315:9
question 17:22
22:4 24:6 28:7
35:2 44:10 51:8
53:14 71:6 73:5
73:10 74:21 78:15
79:14 86:22 92:12
93:8 107:11
123:14 124:7
130:16 131:15
132:21 142:5
188:2 213:9
246:11 256:21

266:21 278:20
283:14 289:12
293:9 296:10
297:1,6,7 305:17
305:21 306:18
307:3,7,18 308:3
308:12 311:18
313:14 314:3
323:4,9 324:9,11
questioned 269:1
questioning 124:21
124:22
questions 23:17
30:11 59:16 63:1
68:3 72:21 74:4
87:17 116:19
119:11 138:3
164:4 184:3
185:19 192:4
204:16,18 213:12
214:4 221:4
233:14 235:7
241:2 249:17
274:3 284:12
285:5 286:14
287:1,6 301:6
307:16 319:10
quick 88:14 126:11
235:13 243:1
273:19 328:15
quicker 213:10
quickly 136:12
172:14
quite 26:17 41:17
58:17 184:22
191:20 301:5

R

R 102:11 103:4
race 88:2,8 89:2,4,6
93:12 94:21 95:1
248:22,22 249:5,7
251:21
race-based 248:21
racial 87:20 88:13
radio 195:2 313:6
313:11
raise 314:7

raises 246:12
ran 253:8
Randolph 1:11
random 115:2
156:12
range 59:14 67:13
149:16 237:22
239:1
ranges 141:2
rank 181:19 270:5
rape 181:11,13,15
181:18,22 182:6,9
182:11 184:4,15
188:10,14 189:2,6
191:1,8,9,9 266:1
319:21 322:18
rare 128:7 144:9
230:20
rate 39:12 80:11
114:7 175:21,22
278:12 306:6,8
rates 75:18 79:22
128:16,20 148:1
181:21 306:5
re- 57:14 59:21
re-analyzes 59:17
re-approached
236:10
reach 208:5
reaction 213:2
read 83:13 109:1
113:10 124:19
125:12 258:17
291:17 319:6
readily 247:20
readiness 229:3
reads 116:1
ready 161:20
real 124:1 149:22
150:8 156:2
186:11 191:10,17
247:22 249:3
276:14 299:15
307:1 327:4
reality 286:22
realize 54:9 111:4
135:12 153:10
249:4

realized 168:5
realizing 280:1
really 18:11 26:17
69:17 76:19 77:11
79:12,18 80:4,10
86:13 87:14 89:2
89:9 91:18 105:7
111:11,22 118:20
125:20 130:6
139:13 149:7
163:16,17 187:17
189:21 190:16
206:9 211:11
224:12,16 225:20
226:18 231:8
232:11,11 240:10
248:3 249:6
254:12 267:2
268:8 271:14
281:19 295:7,12
300:12,18 301:12
303:8 306:22
307:10 318:4
325:18,21 326:14
reason 70:17 81:16
89:2 106:10
147:18 148:5,7
149:22 152:1,8,14
152:19 153:9,14
220:15 325:19,20
325:21
reasonable 114:3
160:21 273:1
290:6
reasoning 152:13
reasons 32:1,8
43:1 58:11 59:12
61:13 69:3 105:5
122:19 144:3
149:14 150:8
235:19 237:9
239:4 285:11
289:21 327:20
recall 75:17 80:5,8
199:11
receive 12:9 31:1
50:1 69:1 84:2
123:13 143:15

174:21 176:17
 177:14 198:15,21
 213:20 215:9
 225:21
received 8:1 57:12
 57:14 165:17
 173:1 175:9
 208:20 216:15,16
receives 12:10
 58:18
receiving 172:11
receptive 54:8
recess 144:22
recognize 267:21
 286:21
recognized 267:12
Recognizing 275:6
recommend 20:20
 21:1,13 22:2
 63:15 70:5 107:3
 133:18 176:9
 211:7 232:12
 242:1 294:12
recommendation
 195:17 207:13,15
 208:3 215:8 217:3
 239:21 240:4
 296:12
recommendations
 6:5,11 33:3
 133:11,13 158:6
 166:11 170:6
 174:10,19 175:11
 185:7 218:19
 231:21 274:17
 286:11,21 296:11
 296:14,16
recommended 32:7
 289:19
recommending
 176:4
record 53:22 54:16
 66:1 96:15 108:15
 109:1 110:5
 144:10,11 145:2
 145:13 192:20
 202:12 328:22
record's 90:11

recorded 96:17
 175:18 322:1
records 38:6,10,11
 43:2 52:8,10 58:3
 64:18 129:11
 236:21 321:9,10
red 218:7
redact 14:1 134:2
redacted 53:18
 135:13,17 199:2
redacting 133:3
 199:3
redaction 43:12,17
 43:17,18
redistribute 54:6
 54:11
redundancy 116:8
ref 243:13
refer 118:3,17
 131:18 132:4,8
 151:10 205:14
 211:14 228:15,16
 239:8
reference 88:5
 165:21 216:4
 267:7
referenced 17:16
referral 152:3
 201:21 235:2
 293:2
referred 148:7
 150:1
referring 215:17
 242:5 303:6
 323:22 324:12
refill 220:6
refine 10:4
reflect 61:17
 311:11 322:21
 325:7
reflects 8:21 325:3
Reform 40:21,22
 43:6 56:12 119:22
refused 151:14
regard 35:16 55:14
 149:1
regarded 61:10
regarding 7:8 22:6

61:17 174:11
 197:12
regards 120:11
REGGIE 1:22
Region 213:14
regional 211:5
 230:10 231:16
register 41:3
registers 14:18
registration 313:16
Regrettably 291:15
regular 192:2 268:1
regularly 35:10,20
 301:3
regulations 243:17
reinforced 238:13
reinvent 147:5
reject 37:8
relate 67:11 115:14
related 10:18 40:6
 62:20 66:14 80:7
 168:15 174:22
 175:17 181:4
 182:6 202:9
 234:10 246:2
 279:20 314:18
 316:15,16 317:1,4
 317:9,11,12
 318:20,22 320:10
relates 87:20
 234:13
relating 60:14
relation 176:13
relational 229:14
relations 272:17
relationship 65:19
 109:12
relatively 236:15
 239:1
release 36:2,3,5,7
 64:9,19 65:2
 165:7 167:1
 171:14 172:9
 173:3 278:3
released 165:9,20
 170:13,17,19
 171:11 172:8
releases 36:4,13,17

36:21 173:18
releasing 171:7
relevance 65:12
 142:13
relevant 13:14
 75:15 84:12
 104:13 163:20
 201:19 202:7
 239:19
reliable 276:21
reliably 261:8
relief 201:5
reluctant 238:6
rely 105:3 120:21
 185:7 314:22
relying 180:8
remain 96:5 274:21
remainder 169:11
remaining 176:19
remarkably 26:10
remarks 137:22
 178:11 180:3
 226:3,20 234:6
 241:1 267:6
remember 32:17
 53:19 158:19
 217:19 294:22
remiss 38:12
remote 42:17
 143:16
remotely 54:1
remove 45:9 285:8
render 223:5
reorganize 197:8
 198:8
rep 282:19
replace 20:8
replaced 56:14
replies 13:18
report 16:3 23:3
 32:21,22 33:17
 39:15 58:8,13
 69:6 70:1 71:11
 72:12 84:12 92:7
 92:16 96:13
 103:20 105:7
 106:18 107:14,18
 108:1,19 109:9

118:5 122:13,21	repository 231:1,4	236:19 313:16	respects 167:17
158:7 163:2,3	represent 16:17	326:1	respond 41:13 79:8
164:10 165:6,8,19	182:18	requiring 117:19	149:9 286:22
166:2 167:6 168:3	representation	241:13	responded 42:3
170:14,17,19	43:5	research 8:14	170:16
172:12 173:5,18	representative	30:16 31:7 51:11	responding 168:10
174:15 176:20	100:6 191:21	52:12 53:4 54:20	232:2 256:10
179:15,18 189:1	277:20	54:21 56:10 57:7	296:1
195:16 196:12,19	representatives	59:16 60:7,19	response 48:1 74:4
198:4 203:19	7:17	62:14,18,21 63:1	77:13 81:16
204:10,13 207:11	representing 275:7	64:21 65:4,6	176:22 177:3
208:20 209:17	republish 51:18	66:20 67:6 72:14	248:22 256:12,22
258:17 278:3	55:1	72:21 73:5 82:4,7	268:4 272:21
290:20,21 316:14	request 8:4 50:1	83:11 138:11,13	288:16
323:10 324:1,3	51:16 60:19 69:20	252:16 319:13	responses 13:18
326:17	164:18 165:15	researcher 50:5	120:16 165:18
reportable 316:14	167:20 177:17	51:4,11 52:13	responsibilities
reported 103:17	242:17 252:19	83:17 88:16 92:5	181:9
109:14 186:9	256:1	251:21	responsibility
188:19 191:3	requested 46:18	researchers 30:6	13:22 43:12 131:3
reporter 212:9	54:20 165:4	40:14 49:22 64:22	131:5 134:1
reporting 35:13,15	requesters 201:10	65:5 82:6,10 91:4	responsible 26:14
162:20 176:7	203:3	91:7,19 92:1	133:2,3 181:8
179:16 183:9	requesting 45:21	120:22 140:20	184:8 197:3 199:3
185:12 186:17	requests 8:1 43:6	Reserve 83:14	211:19 227:20
187:3,6 254:5	145:5 173:8 176:2	reserved 177:20	230:4 294:12
255:6 281:19	193:14 201:11	reset 301:11	295:22
286:1 320:13	255:20	resolution 33:20	rest 82:3
reports 11:21 29:18	require 242:15	resolve 177:16	restating 273:21
32:3,13,14 34:10	279:1 287:4	286:8 296:22	restrict 179:18
35:21 39:1 42:22	required 32:1 33:16	307:8	restricted 14:19
94:3,5 177:9	47:9 58:4,12,15	resolved 29:16	163:1 177:9
179:15 181:8	58:20 61:15 92:17	176:20	179:14
184:5 188:6,11	112:22 143:12	resource 200:11	restrictions 16:1,12
190:15,17,21	162:20 187:3	297:10	254:22
191:9 193:7 194:3	200:20 206:8	resources 76:2	result 62:9,21 89:5
194:3 196:15,21	232:20 243:7,17	120:16 128:13,22	181:14 204:1
196:21 197:4,6,10	245:11,21 274:22	141:5 194:19	239:20 252:10
197:13,16,22	275:3,17 324:3	197:5 198:18,19	resulted 127:15
200:21 201:8,9	requirement 43:16	198:21 253:12	128:1,15
202:15,20,22	137:2	296:15,18,20	resulting 312:7
203:2 207:8	requirements 7:20	302:5	results 88:11 92:8
214:22 215:19	21:14 35:13,15	respect 44:6 67:3	111:14 188:20
216:11 217:5	36:6 165:14 176:7	87:2 265:16	195:16 203:19
220:6 229:4	181:16 281:19	respectfully 109:22	207:10 233:7,9,12
232:14 235:11	283:11	respective 99:7	288:4
269:4 270:14	requires 5:21 25:22	197:1 275:8	resumed 145:2
323:7,15,18	41:4 111:22 129:6	respectively 69:5	Ret 1:18,19

retirement 202:12
retrial 230:21
retrieval 170:21
return 291:7
returned 230:21
revamp 225:2
reveal 47:19
revealed 317:5
revealing 242:7
 321:2
revenue 39:21 40:1
 40:5
review 3:20 5:18
 6:6,15 47:9 49:5
 75:12 108:14,16
 115:1 121:16
 122:1,5 134:5
 154:3 155:9
 167:10 181:8,22
 201:1,19 202:8,18
 246:15,18,19
reviewed 6:10 34:1
 57:17 122:13
 123:2 126:8
 210:22 211:1
reviewing 68:7
 175:7 292:5
reviews 116:7
 145:5
revolve 224:9
revolves 224:10
RFI 164:16 165:10
 165:19,21 166:16
 166:22 225:21
 232:7
RFIs 170:12
rhythm 71:1
rich 93:17
right 12:17 23:3,4
 34:8 35:14 45:15
 48:4 49:14,16
 50:22 78:9 85:13
 85:17 86:9 90:15
 95:6,18 96:19
 99:5 116:11
 122:14 124:13,15
 124:20 134:15
 147:7 149:10

151:17 152:4
 153:11 154:19
 155:8 158:16
 159:3,3 168:5
 170:19 173:8
 180:5 182:3 191:4
 210:12,13 218:8
 219:2 244:22
 251:1 253:1 256:3
 260:21,22 262:7
 262:22 271:7,7
 287:13,16 288:20
 294:21 295:14
 297:15 298:21
 299:11,20 300:8
 300:10 302:12
 306:14,18 308:20
 310:20 311:7
 318:10
right- 157:4
right-handedness
 102:7
rights 35:16 260:14
rigorous 222:10
 223:21
rise 189:5
risk 291:19
RLSO 211:5
road 69:18
robust 26:10
 169:17 202:22
RODNEY 1:18
ROI 162:13 207:10
 215:9
role 61:4 176:10
 194:1
roll 21:18
roll-out 20:18
rolled 20:10
rollout 10:10
roof 188:3
room 22:17 25:2,10
root 148:19
rotate 268:12
roughly 28:9
 217:14
round 36:13 241:19
routinely 30:18

59:6 71:7 73:1
ROZELL 2:17
RSP 247:4
rule 29:14 211:4
 326:9
ruled 26:2 55:7
 87:18
rules 11:8 13:11,21
 19:20 29:22 30:2
 36:9 38:8 42:9
 43:13,17 46:1,3
 182:17,18 311:11
 318:18
ruling 25:22
run 115:11 118:14
 158:21
running 82:14
 300:16
rush 186:18
rustling 307:13

S

s 1:11,14 243:3
SADR 290:21
 293:13,20 294:7
safeguard 173:15
safeguards 37:13
safety 285:20
sample 58:22 61:14
sampling 75:13
 156:12
San 50:16
SAPR 274:13
SAPRO 164:19,19
 165:5,8,12,19,22
 166:2 170:14
 171:7 288:14,15
satisfactorily 295:1
 296:6
satisfied 291:9
SAUNDERS 2:18
Savannah 250:3,7
save 195:10
saw 158:14 307:13
 314:14
saying 17:5 46:15
 98:7 99:18 105:13
 182:14 242:18

261:19 284:17
 290:4,5,8 299:16
 313:15 317:19
says 46:12 75:15
 86:16 95:8 115:17
 125:14,17 127:10
 136:7 148:6
 149:22 150:19
 162:6 209:16
 211:11 215:18
 232:1 289:9
 292:14
scan 124:18 168:18
scary 248:3
scenario 255:8
schedule 39:10
 167:5 171:5
 250:19
scheduled 203:14
scheme 249:19
 300:13
Schmitt 8:13,15,18
 56:5,6 68:6,21
 71:5 72:20 76:6
 76:18 78:10 80:21
 81:10,14 84:15
 85:3,13,18 86:10
 87:11 88:7 90:8
 90:17,19,22 91:9
 92:18 93:22 95:7
 95:12,20 96:1,8
 96:14,19,22 98:6
 99:6 100:1,7,11
 101:7,10,14,17,19
 104:4 105:1,3,19
 106:14 107:10
 109:16 110:18
 112:15,20 113:5
 113:17 114:11
 116:10 117:1
 119:12 121:17
 122:15 124:13,15
 124:20 125:2,5
 126:20 128:7
 129:15 130:11
 131:11,21 140:6
 143:12 144:19
Schmitt's 79:17

- school** 132:20
220:16,16 221:18
- Schweig** 221:8,9,10
228:7 241:4,11
244:3,22 273:16
273:18 277:18
279:6 290:18
291:15 292:21
293:4,8 300:11,20
305:16 306:10
318:13 325:11
- Schwenk** 1:19
113:13,19 116:9
120:19 152:5
155:2,5,7 156:18
164:5,7 171:6
172:19 173:11
178:20 180:5,7
210:5,7 228:3,6
244:16 245:2
246:11 248:3
252:22 261:22
262:7 263:1 275:6
275:10 279:2,5
286:16 288:16,20
294:22 297:10,13
297:18 305:10,13
328:10
- science** 61:12
62:14,18
- sciences** 63:8
- scientists** 82:16
84:17 94:11
- scope** 51:16
- score** 66:2,7 77:5
- scores** 109:11
- screen** 43:11
104:14 106:3,5
122:2 194:14
195:6,9,10
- screens** 11:21
102:19 103:2
104:12 195:7
- screenshots** 214:9
214:10,11 232:9
- scripting** 52:22
- se** 16:19 17:2,9,14
311:1
- seal** 15:11,11 17:3
17:5 44:18 45:2,3
45:9,13,19,21
46:6,13,16,17
49:8 122:10
- sealed** 15:5 16:2,2
16:4 17:7 43:8
45:5,12,22 46:12
47:8 48:21 49:6
53:16 124:6
137:16 142:8
143:5,14,16
- sealing** 48:20,20
49:2
- search** 50:20 72:4
208:5 241:6
- searching** 75:19
- second** 6:14 61:19
82:4 114:18
115:22 168:9
174:12 176:1
177:17 197:9
200:15 237:13
313:11
- secondary** 30:8
- Secretaries** 279:12
- secretary** 5:1,8,11
5:21 6:5 7:8
166:12 173:9
279:3
- section** 201:20
212:3,4,4,7,8,10
- sections** 71:16
202:7
- sector** 182:21
190:12
- secure** 22:8 193:17
200:17 230:1
- secure-based**
192:16
- securities** 143:4
- security** 14:2 16:21
36:16 40:7 41:7
43:20 47:11
133:22 134:12,17
143:6,19 203:15
299:2
- see** 16:7,8,11 19:6
20:5 21:4 22:12
25:21 26:17 30:18
34:19 46:10 47:9
49:20 51:20 53:20
87:6 115:3 121:8
125:9 130:12
133:8 134:20
136:8,14 137:21
143:18 156:1
157:9 159:18
160:13 162:10
163:7,8 170:8
180:4 190:15,17
190:20 191:4
206:9 207:19,20
208:1,21 216:9
218:10 219:4
225:10 231:22
240:2 241:8
245:17 250:10
251:5 252:5,8,16
253:16 259:2
260:10 268:20
269:2,7 270:16
271:15 272:10
276:7 283:15
290:14 293:20,20
297:16 303:19
307:21 308:4
309:13,22 310:9
310:17 313:10
314:6,7,18 315:4
317:19 323:3,16
323:17
- seeing** 159:4 254:3
258:6 260:2,2
293:17 308:10
309:19
- seek** 42:11 63:21
75:4
- seeking** 43:4
- seen** 35:17 47:10
118:8 123:9
289:18 297:20
306:4
- sees** 163:3
- select** 139:1,16
223:4
- selected** 12:19
135:2
- selects** 194:11
- self** 134:4
- sell** 51:18
- sells** 250:5
- Senate** 56:18
- send** 23:10 31:2
54:12 81:4 123:18
123:22 141:18
142:2 144:4
148:11 164:18
- sending** 124:2
- senior** 2:17 38:1
153:7,8 180:15
206:18 208:9
209:3,12,22
211:17 215:5
301:21
- sense** 8:20 45:2
119:7 160:6 183:6
183:22 189:21
- sensitive** 42:7 44:3
44:7 142:8 303:15
- sent** 26:8 81:9
123:15 325:4
- sentence** 32:6
57:15 59:12 60:22
66:7,17 92:14,15
97:15 127:8,9,15
128:2 130:15,17
204:7
- sentenced** 93:10
99:12
- sentences** 32:18
56:19 57:8 59:13
111:14 118:19
119:17 149:14
322:21
- sentencing** 7:12
8:15 31:11,12,14
31:16,20,22 32:12
32:20 33:4,6 56:9
56:12,15 57:1,15
59:10,20,22 63:16
63:18 65:21 66:14
66:20 67:10,12
77:3 79:19 84:13

87:19,21 88:5,12
 88:22 91:14 99:12
 103:9 107:1 110:3
 116:16 119:19,21
 119:22 120:2
 122:16 138:15
 147:9 185:15,17
 291:1 300:13
sentencings 57:13
 59:1
separate 10:18
 14:6 24:1 61:7
 103:7 116:6 127:2
 142:15 277:13
 284:15 288:13
separately 99:1
 110:6 141:19
separation 189:11
 312:2
separations 193:4
 280:1
sequel-based
 229:15
Sergeant 250:12
 291:5
series 102:17,19
 138:8 192:1
serious 189:3,5
 222:22
serve 46:9 231:1,3
 277:18,19
served 198:12
 227:8,11 295:1
server 23:20
 139:13
serves 192:22
service 38:17,21
 42:1 50:15 66:13
 68:13 83:18 84:14
 107:9 109:10
 168:12 172:7,8
 177:3,4,8,13
 179:5 192:4 211:5
 235:4 253:6 254:1
 270:9 275:8 281:9
 283:9,20 293:18
 294:7,11 323:8
services 6:3,17

20:22 43:7 64:16
 67:21 68:7,9 70:6
 70:7 74:3 83:7,8
 83:10,21 110:13
 126:5 153:1,16
 161:13 164:19,20
 164:21 165:12,18
 168:10 171:7
 173:3 176:18
 177:5 204:18
 229:19 231:6
 236:7,17,19
 242:12 253:17
 256:2 257:6,14
 264:20 265:3
 274:10,13 276:2
 276:15 278:7,16
 280:9 281:6 282:1
 283:10 285:3,9
 288:10,12 290:16
 291:22 307:19
 308:13
services' 3:16 7:18
 7:19
serving 227:5
session 176:17
 328:15
set 5:22 11:15 16:1
 16:6,10 39:7 41:6
 49:18 52:15 53:8
 59:5 61:19,21
 79:2,3 82:19
 91:18 93:17
 101:21 103:7
 112:20 116:13
 169:7 178:7
 189:18,21 208:8
 211:4 224:19
 225:15,17 255:5
 265:12 266:13
 275:16 276:10
sets 59:19 60:1
 61:11,16 62:1
 84:4 91:10
setting 178:14
 247:8
seven 11:10 15:22
 156:10 158:19,20

166:5 212:19
seventh 4:19
severed 165:11
severely 89:17
severity 109:13
sex 71:19 269:11
 313:15 314:19
sexual 1:3 4:6,21
 5:12,13 6:13,22
 7:3,9 50:6 105:12
 106:8,9,12,15
 111:8 112:3
 142:12 148:16
 154:1 174:22
 175:18 176:5,11
 176:22 177:2,9
 179:6 181:11,13
 181:18,18 182:6,9
 182:12 184:4,15
 188:9,15 189:3
 191:2 211:1
 222:14 223:22
 235:9 245:12
 253:8,21 256:10
 265:22,22 270:1,5
 270:19 274:10
 280:8 284:10
 285:2 287:5,7,9
 288:16,20 290:20
 302:22 303:1
 312:14 314:16
 317:11 319:14,21
 322:18
share 167:17
 199:14 319:12
Sheehan 9:4
sheer 214:16
sheet 12:9 70:4
 98:4 195:15 196:2
 196:8 310:20
sheets 39:1 53:3
 108:8
shelf 134:4 234:17
shell 52:22
shepherded 231:13
shift 206:21
shifts 220:4
ship 289:17

shoot 83:9
shop 250:13 326:10
shops 213:17
short 31:17 231:7
 252:7 253:12
 274:16 307:15
show 88:11 144:8
 211:8 214:13
 216:7 217:15
 317:1,6
showed 206:13
showing 40:12
 159:10
shows 52:1 140:17
 207:8 216:14
 218:8
shutting 213:16
side 33:2 37:13
 46:5,5,9 141:1
 157:5 190:6
 194:12 198:11
 215:15 216:22
 218:4,8 220:4
 291:17
sides 108:14
sight 120:6
sign 103:1 107:20
signature 123:1
signed 123:7
significant 48:17
 90:1 190:17,20
 218:13
significantly
 237:22 238:14
 322:15
signs 105:5
silos 253:18 257:16
similar 26:16 44:12
 60:20 71:18
 153:10 188:8
 229:21 230:8
 231:6 232:9,18
 233:8 236:21
 243:7,12 278:7
 282:5,21 288:12
 293:21 313:18
similarities 282:4

- similarity** 68:22
similarly 11:1 233:5
 233:10 314:2
simple 257:18
 277:7
simplicity 266:8
simply 194:2
 198:13 221:18
 222:4 225:8 304:1
 322:1,12
simultaneous 23:6
 28:20 96:2,21
 97:11,16 101:3
 256:19 293:10
 305:14
simultaneously
 10:1
single 14:12 39:14
 63:4 65:6 97:13
 98:2 129:16
 211:10 214:1
 276:4 278:22
 309:22
SIPTAS 205:8
sir 130:10 131:14
 210:8 248:1
 250:14 252:21
 253:3 275:12
 316:21 317:2
sister 231:6
sit 23:18 161:6
 171:20 260:19
site 34:22 206:15
sitting 30:20
 111:21 158:18
 206:12 300:7
 306:14
situated 89:14
situation 141:6
 177:17 223:7
 306:11,17
situations 126:12
 179:7 217:20
six 29:21 33:17,20
 77:5,6,7,8,9,10,10
 86:16 132:20
 159:7 162:18
 171:4 180:21
 182:13 326:3
six-month 33:14
size 32:21 73:10
SJA 151:10 327:1
Skidgel 14:20
 34:21 35:5 37:17
 37:18,21 38:1
 40:19,22 44:19
 51:3,7 53:7,13
 55:21 140:4 141:9
 144:19
skilled 76:19
skipped 123:6
sky 102:5
sleeve 84:21
slide 155:8 156:1,7
 156:19 158:11
 161:16 215:16,18
 215:21 217:9,12
slower 113:12
small 28:19,22 73:9
 77:8 183:9 187:9
 236:15
smaller 110:13
 157:1 269:9
smart 163:18,18
 294:8
smarter 245:6
smuggling 65:15
snapshot 188:18
 189:7 196:22
 203:5
snapshots 188:17
 192:1 214:8
So-and-So 150:14
soapbox 266:17
social 14:2 43:20
 47:11 61:12 62:14
 62:18 63:8 82:16
 84:17 94:10
 133:22 134:12,16
software 18:3 19:3
 19:10 21:17 33:12
 36:4,18 37:2
 43:17 91:17
 133:21 134:3,4,12
 134:18,20 135:3,8
 136:19 137:7
 139:5,10 236:2
 238:16 239:13,14
soldier's 198:20
solely 63:5 160:19
 161:8 251:18
 314:1,10
solid 301:7
solution 240:20
 248:14 282:9,10
 282:11 285:6
solutions 192:10
solve 30:11 107:7
 278:21
solved 225:13
somebody 23:12
 30:16,17 34:11,16
 132:19 136:12
 139:1,11 153:8
 156:18 162:22
 168:11 224:6
 253:2 255:16
 258:12
somebody's 50:17
 253:1
someone's 47:14
 296:5
someplace 30:20
 121:21 124:4
somewhat 144:8
 224:2,8 239:10
 306:1
soon 22:22 210:20
 219:19 241:17
sophisticated
 106:21 146:4
sophistication 95:9
 124:17
sorry 35:5 37:21
 40:19 81:19 101:1
 112:6,16 195:4
 287:22 292:2
 302:3
sort 27:1 72:9 79:6
 94:8 103:18
 107:17 115:20
 118:4 124:8,17
 145:6 190:14
 215:17 221:15
 224:13 225:17
 226:9,13 231:8
 241:15 283:15
 291:1 297:13
 310:4,6 311:4
 314:21
sortable 203:9
sorts 108:7 117:12
 227:14
sound 37:20
sounds 23:19
 24:17 120:21
 174:4 253:14
 254:12 277:7,10
source 61:16,21
 120:20 121:3
 124:10
South 213:14
speak 56:8 142:18
 184:2 192:8 205:1
 211:13 227:4
 233:16 239:9
 240:1 243:9
 265:18 272:15
 319:20
speaker 95:22
 215:20
speakers 29:4
 180:10
speaking 28:20
 37:16 65:18 96:2
 96:21 97:11,16
 101:3 217:10
 256:19 262:17
 276:7 293:10
 305:14
speaks 266:19
special 73:6 113:9
 151:8 177:1
 192:18 194:6
 201:3 202:17
 220:22 222:10,12
 222:15,21 245:12
 268:5 313:18
 324:13
specific 29:15,16
 66:4 71:15 86:17
 110:10 139:5

140:17 168:16
 172:7,18 174:14
 175:17,20 181:16
 194:1 235:7
 241:12 243:15
 313:14 324:15
specifically 17:15
 172:4 227:22
 228:10
specificity 77:15
speedy 208:20
spend 157:14
spent 29:21 245:21
spike 269:7,7,15
Spohn 1:20 68:5
 90:22 91:2 156:15
 292:4 293:3
spoke 137:6 142:7
spot 315:3 328:15
spouses 179:5
Stacy 170:20
staff 2:7 8:4 10:2,6
 12:2,2,9 13:2 16:8
 18:3,6,14 19:8,12
 21:16 23:5,5
 36:12 41:21 42:2
 57:16,19 59:3,17
 60:5,7,12,15,20
 61:20,22 62:4,9
 62:14,18,19 63:5
 63:6 65:6 70:15
 70:20 71:4 74:19
 77:19 78:3 81:5
 82:4 83:20 85:11
 101:22 102:8,18
 110:19,22 114:20
 116:6 117:9 123:3
 123:4,4,5,16,16
 132:1 137:21
 138:6 141:7 156:8
 157:6 161:4
 163:12 173:4
 215:7,14 230:11
 230:11,12 237:3
 237:11 238:3,11
 280:5 291:8 298:9
 298:13 307:14,17
 308:9 319:10

325:13
staffs 18:12
stage 94:12 195:6,7
 196:17 197:1
 218:17 229:12
 313:12
stages 195:5
 218:17 228:18
stake 79:21
stakeholders 60:8
 61:6
stalled 186:21,21
stand 151:15 221:4
standard 27:20
 69:22 70:1 79:5,5
 79:6 104:20
 105:13 138:19
 177:11 186:5
 187:10 242:5
 272:22
standardization
 25:1,2,10 27:4
 113:6,7 140:12
 254:5 255:13
standardizations
 29:11
standardize 119:1
standardized 24:18
 25:5 69:16,21
 70:19 81:3 108:11
 189:14 192:19
 193:2
standards 5:22
 112:21 186:20
 187:3 276:11
 281:17
standing 48:15
 126:1 302:10
 323:4
standpoint 326:4
stands 164:15
 199:11
star 151:17 324:6
start 74:7 92:13
 154:5 166:9
 170:21 175:16
 210:19 213:21
 236:3 241:4

247:13,15 250:2
 254:14 257:12
 260:2,2 268:7
 295:13 309:19
 310:3
started 18:6,22
 36:14 101:6
 155:22 186:17
 191:14 215:20
 235:15 247:14
 284:12
starting 132:22
 156:3 215:21
 301:10
starts 210:20 313:3
stat 270:14
state 23:12 41:22
 187:6 188:13,15
 222:21 239:9,14
 240:3,14 264:8
 322:19 323:1,2
stated 73:17
statement 30:13
 58:11 69:3 87:10
 105:5 122:19
 144:2 204:1
 304:12 320:21,22
 321:5
statements 42:22
states 1:1 39:8 56:9
 60:18 83:15
 100:22 187:5
 191:6 264:20
statistical 52:2,19
 52:20 88:16 89:22
 140:17,19 180:15
 185:2 189:18
 193:11 203:2
 310:22
statistics 7:15
 180:16 184:18
 185:7,11 253:7,11
 258:5
status 33:17 45:5
 71:8 74:13 81:18
 89:8 147:2 229:2
 229:11
statute 58:4 86:7,8

129:22 130:3
 242:10
statutes 59:8 65:20
 66:14 73:18 86:15
 190:8
statutory 6:6 58:17
 65:11
STAYCE 2:17
stays 210:18
steal 226:15
stem 54:15
step 51:8 200:20
 209:11 307:19
Stephanie 235:5
steps 93:5 118:12
 194:13
Steven 2:6 8:5,9
steward 250:13
Stewart 251:3
stick 294:15
stock 190:9
stop 55:8 158:9
 183:11 185:18
 233:14
stops 188:21
storage 202:13
stored 13:7 24:6
 41:6,10 202:4
straightforward
 270:6
stranger 270:4
strangled 304:1
strangling 305:11
strangulation
 305:1,3
strategic 169:8
stream 300:12
streamline 146:12
streamlined 298:14
streamlining
 104:16
street 1:11 250:5
strength 304:12
stress 114:13 206:1
stressful 285:17
strike 42:6
strong 26:11
 320:13

- struck** 146:5
structure 136:19
structured 223:21
struggle 261:20
 266:4 277:1
 283:15
struggled 261:5
 265:8 314:5
struggles 266:6
struggling 253:15
 255:20 286:20
stuck 207:22
 310:15
students 91:4
studies 88:10,13
study 15:7 59:19
 60:12 62:17 88:18
 90:16 322:22
studying 157:16
stuff 78:15 103:20
 109:4 111:1 161:1
 276:3 300:4 303:9
styles 69:11
subcommittee
 253:2 277:16
subject 60:11 94:5
 117:7 155:14
 161:21 163:15
 179:11 181:22
 204:15 221:4
 241:18 292:3
 312:16 315:6
subject's 194:8
subjects 60:14
 155:13 159:1
submission 63:4
 161:19
submit 58:12,14
 143:13
submits 204:1
 254:13
submitted 4:13 8:8
 58:20 59:2 107:21
 110:6 121:22
 200:12 201:13
 325:15
subpoena 223:9
subpoenas 41:14
- subsequent** 263:19
subsequently 10:2
 177:17
subset 52:10
substance 284:22
substantial 6:19
 43:9
substantiate
 321:19
substantiated
 289:9 322:7,15
substantiation
 321:16
substantive 6:20
 66:13 86:8,14,15
 207:10 215:9
substitute 44:5
 133:16
success 20:15
 24:18
successful 130:7
 321:14
successfully 9:19
 43:14 321:6
sudden 272:13
sufficient 132:5
suggest 69:20 85:4
 86:5,11,22 107:17
 132:3 192:3
 322:12
suggested 146:6
suggesting 173:11
 173:12 174:1
suggestion 26:11
 26:11
suggestions
 116:20 129:1
suggests 63:16
suit 51:20 52:5
 138:17
Suite 1:10
Suitland 202:12
Sullivan 2:19 4:3,4
 4:17,22
summarizes 98:2
summary 55:5 98:1
 156:20 185:5
 189:1 233:8,11
- 234:7 235:13
summer 157:15
summonses 42:20
sun 224:9,10
super 49:8
superseding 97:18
supervised 64:8,19
supervision 190:10
 193:10
supervisor 114:21
 196:22 197:11
 283:6
supervisors 115:1
 196:14 197:4,13
supply 141:16,17
support 19:18,22
 29:10 40:2 57:4
 66:12 71:9,14
 89:8 159:19 168:1
 187:12 240:21
 276:18 298:9
supported 11:6
 73:22
supporting 236:2
supports 229:8
suppose 108:1
 118:1,3 144:4
 145:17
supposed 47:18
 160:3,4 206:22
 250:12 301:4
suppression 223:1
Supreme 87:18
 202:1
sure 15:15 36:18
 37:13 44:15 47:7
 51:6 54:12 64:10
 95:20 96:9 107:11
 115:3 116:11
 128:11 129:8
 140:1 142:16
 163:13,13 182:2
 211:12 214:2,20
 215:12 216:3
 226:20 231:12
 262:22 263:8
 274:17 294:2
 299:9 302:19
- 305:10 309:9
 311:17 314:22
 316:4 319:18
surely 74:14 131:4
surge 271:2 272:12
 272:20
surmountable
 264:3
surprisingly 128:21
Survey 182:8
 184:12
suspect 79:21
 312:16
suspenders 133:17
sustain 113:14
 148:4,9
swamped 34:2
swath 116:2
sweeping 313:22
system 7:16 9:6,8
 11:18,22 12:20
 13:3 14:17 15:1,4
 16:17 17:13,18
 18:19 19:13,21
 20:7,9,17 21:3,6
 22:6 23:1,18
 24:18 26:10,18
 27:2,12 29:4,5
 34:11 35:10,11
 36:9 38:11,19
 41:4,21 44:11
 45:22 46:7 47:6,7
 49:5 50:9 51:10
 52:1 53:21,22
 56:4,14,15 62:5
 65:9 69:13 75:7
 80:19 93:4 102:4
 105:20 106:21
 107:2 111:7,17
 113:21 114:5
 117:16 123:19
 125:7,7,8 126:3
 128:21 129:19
 131:1 133:12
 138:9,14 139:13
 141:14,18,20
 143:5,8,11,17
 145:16 146:17

152:20 153:12,22
 154:4,5,9 156:9
 168:14 169:3,4,14
 175:19 176:3,8,13
 185:3 186:14,17
 187:10 188:13,14
 190:4 191:10,13
 194:1,8,17 195:14
 196:11,19 198:1,2
 198:3,9 199:5,9
 199:15,21 200:15
 200:16 201:2
 205:12 206:1
 208:15 209:9
 210:13 220:20
 221:22 222:3
 224:13,17 225:11
 225:19 226:1,6,7
 226:10 228:12,12
 228:13,14 229:18
 229:21,22 230:2,8
 230:15,22 231:9
 232:8 235:9,14,17
 235:17 236:16
 238:16 239:2,3,19
 241:5,12,17
 245:14 246:12,13
 246:22 247:8,11
 252:5 254:15
 255:2,4,14 256:8
 259:20,20 262:11
 263:9 266:19
 267:13 271:4
 275:2,3 276:4,7
 276:17,19,20
 277:2,21 278:22
 281:13,20,22
 282:5,9,10,11,13
 282:15,21 283:2
 283:20,22 284:1,6
 284:7,8,10,13
 298:15 305:20
 306:1,9 308:21
 309:3 311:9,10,11
 312:5,22 313:1,13
 314:5 316:7,8
 324:16,21 325:5
 326:12 327:22

328:3,4
systematizing
 133:13
systems 6:8 21:11
 26:16 40:3 121:5
 142:19 147:2,6
 153:6 166:1 181:5
 183:4,10 184:5
 187:10,14 189:13
 189:17 192:10
 199:15 203:6
 205:17 220:14,15
 221:2 225:4 230:9
 234:7 251:17
 252:6,13 254:6,11
 258:20 264:13,14
 264:18 274:21
 275:18 276:9
 277:13 282:12
 283:10,10 284:5
 286:1,4 308:6,19
 309:1 312:13,18
 316:11

T

tab 232:5 248:11,13
table 11:14 129:21
 130:9 140:15
 178:7 307:14
tables 11:6 211:22
tabs 212:2
tack 278:17
tactic 94:19
TAGERT 2:20
tailored 95:5
take 15:14 19:5
 22:17 33:7 66:15
 67:11 69:19 74:8
 86:7 91:12,13
 104:18 125:11
 131:20 138:11
 145:8 154:10
 155:19 159:10
 161:20 168:18
 175:2 213:11
 214:18 232:12
 242:3 249:6
 267:15 290:11

293:21,22 305:2
 308:2 309:11,15
 311:18,19
taken 45:8 156:21
 207:13,16,16
 208:1 209:11
 221:3 292:10
takes 74:17 117:4
 129:20 142:1
 169:8 186:11,12
 214:1 233:1
 240:20 247:9
 257:17,20 277:11
 277:12 280:21
 282:19
talk 14:20 55:17
 80:1 89:11 91:6
 102:12 137:14
 138:20 142:15
 145:6 152:17
 153:1 161:6 171:8
 172:1 200:11
 265:22 266:1
 269:17 270:14
 296:18 318:18
talked 50:15 140:12
 143:5 146:15
 155:11 216:4
 282:3
talker 37:20
talking 17:18 28:18
 28:22 31:10 79:19
 86:13 110:8,10
 111:3,4 120:19
 146:18 153:19
 155:3 156:11
 171:6 204:22
 239:17 266:1
 269:4,18 272:19
 282:8 283:20
 301:20 302:7
 312:9 318:7 324:2
 328:1
talks 33:18
tampered 260:16
targets 265:10,12
 265:12
task 6:8 63:6

120:13 183:9
 225:19 226:15
 274:16 298:3,12
tasked 75:3 76:3
 234:20
taxpayer 298:10
TCAP 206:21
 221:11 268:15
 271:1 310:4
teacher 72:3
teaching 300:7
team 268:22 296:12
teams 84:5
techie 214:10
technical 67:20
 186:12 187:11
 229:17
technology 22:18
 44:4 62:2 115:10
 125:5 146:22
 239:22
tell 21:14,17 31:21
 34:12,15 41:12
 55:4 79:9 108:9
 115:12 119:1,2
 155:8 162:1
 171:11 190:16
 212:18 214:10
 250:18,20 256:15
 259:14 260:19
 275:21,22 277:8
 289:8 292:1 296:5
 309:15 310:17
telling 148:8 158:18
tells 63:12 93:10
 162:22 163:2
 217:12 250:16
 256:15 269:8
template 195:20
templates 195:14
ten 39:12 252:17
 257:10 284:13
 287:12
tend 160:4
term 177:19 296:8
terminals 41:2
terminations
 200:22

terms 16:21 18:17
 26:20 31:15 39:5
 68:10,11,11,15
 80:14 100:3
 110:12 122:6
 140:6 149:13
 186:8 191:8 262:3
 277:13 278:10
 314:3 321:16
TERRI 2:18
terrible 262:3
terrific 163:14
Terry 323:3
test 21:16,22 75:13
 130:7
tested 20:12
testers 18:12
testimony 7:12,17
 133:14 144:20
 175:10 176:21
 224:15 266:22
testing 21:21
text 69:9 195:3
 243:1,14
thank 4:16 8:12 9:2
 16:15 23:15 28:2
 44:7 68:5 87:16
 116:14 120:9
 128:10 144:17,19
 144:21 154:18
 164:3 174:6 178:1
 179:22 192:8
 210:8 216:6 221:7
 227:3 233:15
 253:4,5 266:22
 311:6
thanks 137:20
 174:4
theft 47:13 317:11
theory 106:22
there' 243:3
THERESA 2:11
they'd 76:12 82:12
 108:11
thing 26:13 36:11
 36:14 54:19 78:5
 102:14 104:19
 105:21 115:15,20

125:22 133:20
 135:20 140:22
 153:18,19,20
 156:20 158:13
 163:10 208:11
 210:18 222:5
 238:11 245:7,8
 248:15 250:13
 252:12 254:6
 257:18 260:22
 261:4,10 266:2,7
 267:21 281:3
 282:7 286:7 302:4
things 8:22 21:20
 21:21 27:7 33:4
 44:17 47:7 53:14
 56:13 68:8 71:9
 73:17 74:5,8,9,9
 75:5 77:8,20,20
 81:15 82:21 83:9
 83:9 88:9 89:9
 91:22 94:17 95:13
 99:14,16,17 104:7
 107:19,22 109:2,9
 109:12 111:15
 112:10 115:14
 116:3,5 125:18,20
 128:13 129:20
 134:19 135:2
 137:8 145:15
 146:5 147:13
 149:3,5 154:8
 163:16 181:3
 183:2 188:4 189:4
 190:13 216:9
 232:16,17 238:12
 247:10,17 248:2,5
 249:20 252:8
 254:2,20 255:7
 256:16 257:11,13
 266:14 269:7
 270:5 271:13
 276:12 277:1
 278:8 281:3,7
 292:6 293:5
 295:13 296:4
 297:15 299:3,16
 299:17 300:13

303:4 307:19
 308:1
think 15:13,21 17:4
 17:8 23:14 69:17
 73:21 74:1 77:13
 79:13 81:17 83:3
 83:5,19 84:1 85:4
 85:6,18,19 86:21
 89:8 90:3 96:8,19
 98:8,19 99:7,14
 103:19 108:2,22
 109:7,21,21
 110:20 111:5,15
 111:21 112:15
 114:4,12,13
 117:20 119:9,16
 120:4,11 126:10
 129:15 130:6,13
 130:14 131:7,13
 131:16 132:7
 135:19,22,22
 136:9 137:13
 138:5,9 142:13
 144:8,12 146:18
 147:4,17,21 148:2
 148:12,13,14
 149:7,10 150:21
 152:4,6,12,16,22
 153:13,14 154:5
 154:19 159:1
 160:5 162:15
 182:14 188:4
 190:11 191:10
 211:12 214:16
 215:20,22 220:17
 224:5 226:4,8,11
 232:5 234:13,14
 239:7 242:6
 246:11 251:20
 252:12 253:19
 255:9 256:6,6,20
 259:6,9 263:3
 264:17 265:8
 266:5 270:9 272:1
 272:19 273:7,21
 274:5 275:15
 276:3,6,7,8,13,14
 277:12 280:7

281:4,14,15,20
 282:2,2,7 283:7
 285:7 287:17
 288:12 290:10
 293:11 294:4
 298:5 299:6,13
 300:12,17 306:5
 306:11 308:12
 312:22 315:22
 316:6 324:11,12
 328:10
thinking 107:16
 133:11 168:1,7
 262:19 266:18
 295:4
thinks 155:10
third 62:11 115:15
 118:1 162:19
 163:2,2 176:4
 177:13 179:15
 282:13
thirdly 197:21
Thirty-twos 310:8
thorough 62:11,20
thought 8:20 19:5
 89:12 100:3
 107:12 145:7,8,14
 145:20 158:13,14
 173:13 180:3
 236:14 239:17
 247:8 249:12
 267:11,19 273:16
 297:3
thoughts 129:14
 147:13 158:4
thousand 253:16
 286:17
thousands 28:15
 295:12
three 10:17,17 11:1
 14:13 33:19 77:7
 77:12 81:15
 102:11 105:3
 110:2 114:11
 118:12 127:2,2,5
 127:7,12,21 149:5
 160:15 192:22
 196:19 227:12

237:9 257:21
 263:5 264:2
 268:12 278:17
 301:14
threw 305:4
thrown 290:15
tie 71:16
ties 6:8 150:7 151:3
time 4:12 7:22 19:6
 19:15 22:15 27:9
 27:11,21 46:1,11
 47:12 49:18 52:11
 52:14 54:2 70:20
 73:8 74:17 75:11
 78:17,19 89:11
 126:10 128:12
 132:6 134:15
 141:4 155:11
 158:1 159:10
 163:22 166:8
 168:5 173:10
 178:4 181:2
 188:18 197:1,14
 198:6 205:5 210:4
 210:15 212:12
 214:1 216:19
 217:13 221:3
 224:8 227:17
 228:10 230:17
 233:13 237:11
 247:21 259:3,21
 267:9 268:9
 269:13 271:7
 274:16 277:11
 278:2 286:2,18
 290:15 291:20
 297:21 298:1,8
 321:4 322:1
time-to-time 85:3
 91:19 116:1
timeclock 216:14
timeframe 147:1
timeline 146:19,21
 175:6
timelines 228:19
timely 174:1 229:2
 231:13 326:8
times 70:10 85:8

137:13 219:11,22
 260:16 268:12
 282:4 289:15
 321:12
Timing 322:8
tirade 256:17
tired 158:10
title 12:18 134:21
TJAG 108:10 294:9
 294:14
today 4:18 8:13
 29:4 38:9 56:8
 73:2 175:10
 192:10 206:20
 216:2 233:16
 253:5 267:1
today's 5:15,17
Tokash 1:21 55:17
 106:17 110:9
 147:15 151:5
told 101:12 155:2
 155:11 158:19
 165:3 173:3 234:3
 237:6 305:2
 310:12
tool 44:4 200:17
 209:21 225:6,7,8
 225:9 229:1
 301:22
tools 36:19 225:15
 229:5
top 77:20 109:19
 110:1 208:19
 278:4 282:13,14
 314:18
top-down 224:17
 226:6
topic 174:19
topics 85:4 175:7
 176:19
total 57:16 61:17
 110:11 157:2
 268:20
touch 190:1 325:12
 326:4
touching 268:9
tough 280:6
track 11:1 12:3 94:4

185:16 188:20
 190:8 192:20
 200:19 202:16
 206:16,18 208:12
 208:14,14 211:14
 211:19 212:9,14
 214:5,9 215:6
 217:3 234:7,21
 242:10,13,22
 243:5 249:9 250:7
 261:7,14 278:1
 307:19 308:1
 313:12 323:1
tracked 280:3,5
tracker 206:3
tracking 191:11,14
 201:8 205:11,17
 219:8,9 228:12
 230:18 234:22
 249:15 257:12
 259:17 273:14
 287:10 295:13
 307:22 316:12
tracks 243:6
trade-off 74:18 78:7
 85:14 110:19
 140:6
tradeoff 150:17
traditional 152:13
traditionally 76:14
trafficking 127:4
train 25:15 114:19
 262:5
trained 62:9 72:10
 81:13,14 85:11
 114:22 230:3,4
 289:5
trainers 18:13
training 29:8 37:11
 63:8 82:5,15
 102:8 114:18
 174:19 186:20
 231:21 263:9,21
 294:2 304:17
 310:5 318:7,17
transaction 191:13
transcribed 5:15
transcript 5:16

Transcripts 39:15
transfer 174:13
 175:4 176:2,15,19
 177:7,12,15,16,18
 177:19 179:4,12
transition 220:7
 259:20
transitioned 222:6
 223:20
transmittals 195:17
transmitted 121:15
transmitting
 124:10
transparency
 111:10 151:22
 260:10,12,13
treads 207:20
tremendous 30:1
 93:1 132:7 143:19
trenches 206:4
trend 261:7 312:7,8
trends 169:22
 170:1,6 175:21
 193:12 209:10
 217:13 218:8
 231:18 260:2
 272:10 308:16,17
 309:10 310:7
trial 13:17,20 70:1
 107:18,19 108:7
 108:15 109:2
 151:13,20 193:8
 195:16 200:18,22
 201:2,12,13,19
 202:13 203:8
 204:1 205:14
 206:18 207:17
 208:9,20 209:3,12
 209:22 210:1
 211:18 212:8
 215:5 233:7,9
 242:15,19 243:18
 248:16 251:4
 268:22 273:2
 301:21 303:9,12
 310:17 314:22
 323:16 326:16
trials 12:4 129:10

138:14
tricky 94:14
tried 186:1 247:4
 303:3
triggered 48:6,12
 162:19
truckload 94:17
 95:4
true 46:10 71:10
 72:19 93:21,22
 98:18 131:10
 167:4 190:19
 221:11 260:20
 313:9
truly 299:10,10
trust 72:2 226:19
truth 101:21 221:16
try 21:2 45:2 73:7
 76:22 77:13 94:3
 109:2,3 129:2
 133:10 146:12
 155:14 166:21
 167:8,13 185:1
 208:9 212:20
 216:21 220:18
 245:9 259:22
 266:8 296:4
 311:20 312:5
trying 26:4 31:18
 73:11 76:1 90:10
 110:14 128:18
 147:22 166:7
 182:10,19 183:22
 183:22 184:17
 189:19 206:4
 213:17,22 214:17
 252:4 258:4 260:6
 267:7,17 270:2
 271:15 272:1,22
 278:13 286:12
 316:9
Tuesday 213:15
tug 84:20
turn 248:9 323:6
turning 326:7
tweak 207:5
twice 33:7,15,22
two 24:2,11 48:19

51:3 77:6,12 80:2
 81:15 89:9,14
 91:11 97:8 102:10
 108:8 117:2 118:7
 119:5 121:7,9
 127:11 136:9
 141:10 142:14
 157:14 167:18
 168:21 174:9
 175:17 177:10
 180:8 192:14
 203:6 207:4
 215:16 218:7
 224:12 227:8
 234:6,7 245:21
 252:8 257:21,22
 264:1 268:12,21
 272:13,13 278:6
 278:16 282:12
 286:17 301:14
 311:20 316:6
 324:6 326:14
two-step 222:14
two-way 233:1
two-week 268:22
type 11:5,13 29:12
 29:15,16 32:4
 50:20 52:5 55:3
 59:11 66:6 87:22
 88:2 105:17
 128:19 139:2,6,19
 140:15 141:6
 168:6 185:3 194:9
 194:11,13 197:14
 197:15 199:19
 203:13 204:4
 205:11 207:21
 219:19 226:10
 239:19 248:15
 249:12,17 256:8
 268:16 284:18
 292:13 294:13
 305:19 310:7
 317:20 318:20
types 10:17 14:16
 33:9 44:2 47:13
 51:21 66:4 105:14
 111:18 193:3

194:15 197:12
 200:7 215:18
 287:11 311:22
typically 188:21
typing 139:18

U

U.S 2:6 7:12,13
 8:14 9:7 13:5 38:3
 64:12 141:19
 185:12,13,14
 209:4 250:10
 275:7 282:20
UCMJ 6:20 155:14
 174:12 198:5
 253:21 301:10
 308:5
UCR 185:5 187:6
 188:8,18,22
ultimately 182:19
 189:9 205:20
 207:15 220:7
 254:17 256:13
 264:17 327:16
umbrella 257:4
un-substantiation
 321:17
unable 166:1 285:4
unanticipated 21:5
unaware 179:16
unbelievably 31:19
uncharged 317:22
unclear 322:11
unconstitutional
 87:19
underlying 92:21
 222:3 224:18
 265:17
underneath 53:20
underscore 286:3
underst 304:9
understaffed
 271:17
understand 84:14
 125:12 173:16
 249:16 251:20,22
 253:11 255:18
 260:11 263:13

278:10 283:21
 284:3,5,14 299:21
 304:10 311:18
 319:15
understanding 7:2
 62:20 68:18 100:3
 130:5 148:3
understood 98:13
undetermined
 102:13
undone 115:19
undoubtedly 89:6
unequivocal
 221:16
unexecuted 42:20
unexplained 88:12
unfair 111:16
unfortunate 111:6
 111:11,16
unfortunately
 43:22 188:22
 204:22 205:12
 220:19 302:17
unfounded 68:12
 290:14 291:14
 292:15 293:20
 321:17 322:9
unfunded 296:7
uniform 5:18,22
 83:16 146:14
 167:21 187:6
 190:6 257:3
 278:22 279:9,11
 280:7,11
uniformity 68:9,17
 182:16 190:7
 195:21
uninteresting
 224:3
unique 220:21
 254:1 255:5
 264:19
uniquely 183:2
uniqueness 183:3
unit 33:6,11 297:4
United 1:1 39:8
 56:9 60:18 83:15
 100:22 191:6

units 175:1 185:12
245:20 253:9
universal 28:1 37:4
37:9
universe 61:14
university 51:12
unjust 120:4
unknowable
292:21
UNKNOWN 259:3
293:6 294:4 297:6
315:21
unlawful 151:12
152:6 153:2
unrealistic 296:15
unrealistically
296:14
unreasonable
161:11
unring 163:6
unsatisfactorily
296:6
unsealed 53:15
unseals 54:17
unsubstantiated
289:10 290:2
unsupported
236:13
unwanted 265:22
unwilling 119:4
update 164:14
232:7
updated 197:22
updates 3:19 36:16
154:20 211:20
216:20
upgrade 277:3
upgraded 37:1
uphold 168:7
upload 195:22
196:10 212:15
326:13
uploaded 195:14
195:18 202:7
241:14 245:14
uploading 12:19
urban 184:11
USAF 1:18 2:13

usage 36:9 41:6,14
USC 35:14
USCourts.gov
39:10
use 9:9,10 11:12
13:19 14:9 20:7
25:16 26:9 30:8
31:6 36:19 41:3
41:11 53:4 57:22
61:16 68:10,11,19
75:12 77:1,22
79:11 91:18 92:6
102:2 122:4
123:19 125:21
126:13 127:9
139:22 140:20
141:12,14,15,20
141:21 149:10
157:8 165:22
168:3 171:10,22
193:11 197:4
202:15 205:22
209:10,22 217:9
218:3 222:3 225:7
225:9,9 229:6
234:7 235:12
236:8,17 239:3
252:6 255:17
263:18 270:13
301:22 304:2
312:16 318:15
320:3
useful 174:2 234:15
usefulness 163:10
user 14:18 38:8
39:7 41:4,19 56:3
139:5 193:22
194:10,14,22
195:9,22 206:17
220:12,13 237:14
262:20 280:16
323:16
user- 205:17
user-centric 225:11
user-friendly 26:10
26:18
username 28:1
193:19

users 21:13,15 22:3
22:7 29:6 39:11
39:16,19 40:1,13
41:1,3,21 43:15
51:9 193:16
195:15 200:5
207:3,6
uses 123:21 234:16
234:21 235:10
237:19
USMC 1:19
usually 48:14 54:15
69:8 325:6
utility 22:6 231:7,11
utilization 219:14
utilized 164:17
298:10
utilizing 192:13

V

v 209:4
vacancies 34:3
vacuum 42:10
validate 141:12
230:13
validation 139:9
validity 124:22
valuable 7:3 23:7
139:7 145:21
148:13 206:7
299:9
value 183:19
189:15 205:19
206:10,15,17
207:6 214:3
248:15 259:9
269:22 270:7
276:17 280:17
300:2 323:17
variables 102:13
116:2
variance 71:17
270:2
variation 17:13
88:22 135:10
variations 10:16
11:4 27:11,13
varied 31:22 105:10

varies 186:11
variety 59:19 60:4
111:15 122:7
various 11:14
36:13 42:11 47:13
109:3 154:20
176:10 184:8
186:7 194:13
211:21 227:12
268:10 288:10
vary 69:6,12 149:15
vehicle 7:1
vendor 240:17,21
vendors 19:14
239:13,18 240:2
version 10:13 14:5
15:18,18,19
135:17 222:6,7
versions 10:18
11:6
versus 33:10 86:16
94:10 130:20
131:5,19 140:13
191:9 220:22
246:13 260:9
272:13,18 289:9
299:10 309:12
310:10 321:17
veteran 84:14,20
Veterans 237:18,19
238:15
victim 17:21 35:22
49:15 65:16,18
72:1 74:11,12,13
109:12 148:21,22
151:8 159:1,14
160:6,9 162:21
163:4,15 210:5,9
212:5 213:3
222:10,12,15,21
223:4,9 241:6,9
242:10,16,17
243:18 244:6,12
244:15 245:12
246:2 248:6,12
263:17,18 272:9
290:7 320:2,21
322:11

victim's 35:16 48:11,16 119:4 133:6 159:21 243:19 246:10	wait 159:14 170:17 173:5 209:18	286:14 291:19 295:13 296:11,13 298:7,9 299:17 304:4 305:3 309:16,19 310:2 320:9	172:1,13 174:2 183:15 205:18 214:20 224:21,22 224:22 225:3,3,12 225:14 229:13 231:8,8 233:2 240:9 241:12,19 242:22 244:20 254:2 255:4,5,9 263:9 265:9 266:7 272:15 273:7 274:18 276:16 278:10,21 284:14 286:3 298:10 303:17 307:10 309:14 311:1 326:19
victim-related 263:4	waiting 159:16	wanted 17:3 25:6 44:11 53:11,13 73:16 78:13 100:18 145:12 147:14 167:17 206:21 223:19 234:5,9 235:14 236:17 252:16 261:3	ways 11:10 30:10 77:1 78:22 88:16 114:10 136:9 138:20,21 139:21 141:10 195:1 207:5 224:12,14 256:12 277:15
Victimization 182:8 184:12	waive 310:14,18	warrant 14:3 115:18 134:10,11	we'll 102:8 125:22 154:20 158:9,10 159:18 161:10,12 162:17 164:9 166:17,18,18 199:16,20 221:5 250:18 256:7
victims 15:9 48:2 65:14,15 71:19 86:12 104:8 177:1 177:1 179:6,14 184:6 190:21,21 242:14 258:16 263:3 313:5	waived 310:10	warrants 42:21	we're 20:2 21:9 22:18 28:18 31:11 36:14 51:21 52:6 52:8,9 78:18 79:7 82:3 90:10 99:12 102:15 103:6 105:11 107:4 110:8,10,13,14,17 116:16,16 119:9 133:20 134:3,9 140:18 144:22 145:11 148:18 150:13 152:17,22 156:4,11 157:1,5 157:15 159:3 160:17,18 161:20 163:7,22 166:7,10
Victimization 182:8 184:12	waiving 310:18	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	
victims' 49:14,16	walk 51:4	watch 18:19 260:14	
view 12:12 41:1 47:6 62:22 66:21 111:19 114:13 161:11 194:2,3 215:18 247:17,19 248:10 282:20	walked 52:19	way 18:6,7,17 20:17 22:18 27:20 32:11 34:5 49:17 49:21 50:9,11 55:7,8 60:21 70:19 75:17 77:19 78:4,6,7 79:15 87:8 92:7 94:10 94:10 104:10 108:10 109:13,14 112:18 115:4,8,15 115:16 116:4 118:5,8 119:1 126:19 127:18 130:6,15 134:19 135:6 139:4,7,9 148:2 153:19 154:4,13,17 163:6 171:13,14,17	
viewpoints 42:13	Walton 1:22 16:16 16:20 17:1,16 32:17 34:6 49:9 87:17 93:7 149:11	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	
views 153:2	Walton's 92:12	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	
vigilance 44:6	want 15:4 17:5 40:17 44:13,14 45:12 46:16 49:10 50:5 51:7 52:10 52:20 53:2 73:15 78:8,10 79:12 80:7,10,13 82:8,8 82:22 83:2,8,9,11 83:16,17,17 84:7 85:15 92:11 94:1 94:2,13 99:15,16 100:16 108:22 117:6 119:7,9 125:11,20 130:18 137:20 141:1,16 146:8,9,18 150:8 157:19 158:15 160:7 162:21 163:4 165:7 170:7 170:17 178:21 180:2 196:3 198:4 208:14 210:22 213:3 214:18 215:12 216:3 225:1,8,17,18 226:16 227:2 233:15 241:16 246:21 247:1 249:11 253:5 255:15 256:13 257:12 260:10 262:11,12 264:14 264:15 265:1 266:16 270:21 276:3 280:14	warning 14:3 115:18 134:10,11	
violence 89:12,22 90:12,13 184:10 184:14,14 189:3 256:10 270:19 320:12,12 322:22	want 15:4 17:5 40:17 44:13,14 45:12 46:16 49:10 50:5 51:7 52:10 52:20 53:2 73:15 78:8,10 79:12 80:7,10,13 82:8,8 82:22 83:2,8,9,11 83:16,17,17 84:7 85:15 92:11 94:1 94:2,13 99:15,16 100:16 108:22 117:6 119:7,9 125:11,20 130:18 137:20 141:1,16 146:8,9,18 150:8 157:19 158:15 160:7 162:21 163:4 165:7 170:7 170:17 178:21 180:2 196:3 198:4 208:14 210:22 213:3 214:18 215:12 216:3 225:1,8,17,18 226:16 227:2 233:15 241:16 246:21 247:1 249:11 253:5 255:15 256:13 257:12 260:10 262:11,12 264:14 264:15 265:1 266:16 270:21 276:3 280:14	warning 14:3 115:18 134:10,11	
viewed 67:5,7	warrant 42:21	warning 14:3 115:18 134:10,11	
viewpoints 42:13	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
views 153:2	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
vigilance 44:6	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
violence 89:12,22 90:12,13 184:10 184:14,14 189:3 256:10 270:19 320:12,12 322:22	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
violent 89:14,15,17 90:19	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
Virginia 1:11 206:14,15	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
virtue 225:22 266:8 283:17	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
vis 269:11	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
visibility 213:1 268:14 271:5,5	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
voice 35:4 37:19	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
volume 214:16	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
vote 178:20	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
VWAP 210:2,3,5,17 212:5 214:15	wasn't 19:15 103:18 151:16 168:5 216:9 259:16	warning 14:3 115:18 134:10,11	
W			
W 1:16			

166:13,20,22
 167:8,12,13,15
 169:6,7,10,20
 170:19 171:4,21
 178:4,14 179:1
 184:17 192:5
 199:13 203:16
 204:17 210:16,21
 211:13,15 214:17
 216:19,21 217:3
 217:19 218:3
 219:5,7 220:13
 237:4 239:6
 241:15 245:5
 247:4 254:3
 255:18,19 256:6,9
 256:15 257:5,5,15
 258:2,4,6 260:12
 274:3 282:8 286:9
 286:20 287:5,10
 290:5 292:6,10
 294:2,8 296:11
 300:4,9 303:11
 311:13,20 314:9
 314:20 318:14
 328:10
we've 22:16 68:6,8
 85:11 103:10
 121:10 137:8
 156:5 163:5
 167:18 173:1
 182:5 192:5 200:3
 200:4,10 204:18
 218:11 220:12
 259:19 260:14
 261:9 272:21
 273:13 289:18
 290:22 292:5
 301:12 306:4,17
 318:18
wearing 83:16
web-based 200:17
 230:1
web-enabled 23:19
 23:21
website 5:17 38:14
 61:10 197:18
 204:14

websites 40:8
week 32:16 167:18
 208:20 257:22
weekend 209:16
weeks 178:3 263:5
 268:21
weigh 264:16
Weir 2:6 8:5,9
 172:22 312:13
 324:5 326:18
welcome 3:10 4:17
 8:9
Wendell 14:20 31:4
 38:1 50:15 138:18
went 29:22 103:14
 103:15 145:2
 146:2 186:19
 191:18 213:13
 220:15 234:2
 236:10 239:21
 241:21 263:16
 312:15 328:22
weren't 19:15 169:1
 326:7
wheel 147:5
whimsical 307:10
white 125:15,15
whites 303:19
whoa 290:3,3
wholesale 301:9
wholly 149:8
wide 60:4 85:10
 143:9 284:6
widely 42:12 105:9
widespread 38:18
wifi 22:10
Williamsburg 19:12
willing 78:16,18
win-win 256:8
wisest 80:16
wish 67:14,16
 163:6 179:20
 184:3 242:18
withdraw 223:22
withhold 279:7
witness 210:5,6,9
 212:5 321:12,13
witnesses 159:12

178:7
women 283:20
wonder 91:5
wonderful 44:4
 251:16
wondering 267:12
worded 45:4
wording 133:1
words 38:21 93:8
 247:21 293:21
work 11:2 18:8,9,10
 37:5 48:13 51:20
 55:20 56:8 57:4
 57:10 58:3 60:18
 62:16 67:22 68:4
 69:2 71:3 76:12
 82:17,21 83:4
 85:5 89:18 92:8
 105:10 108:9
 114:22 115:2,9,16
 127:18 137:7
 170:2 175:3 178:2
 178:19 181:1
 182:3,5 183:16,18
 184:16 185:8
 186:2,3 188:9
 225:4 226:1
 234:10 235:10
 236:16,20 238:1,2
 245:5 255:2,7,10
 260:6 267:1,18
 275:19 300:1,2
 304:3
worked 10:3 21:5
 78:4 92:10 113:14
 185:1 240:7
 260:18 264:7
working 3:20 102:4
 103:7 112:18
 137:5 154:20
 155:9 157:7,8
 164:13 166:3,14
 169:9,21 172:12
 174:7,9,13,17
 175:5,10 176:16
 182:5,13 203:16
 219:2 229:13
 237:10,12 238:8

238:14 240:13
 253:17 256:1
 257:15 267:8
 300:14 303:16
 325:9 327:21
workload 196:18
 197:5 201:9
 202:19
workloads 34:3
works 26:17 36:13
 42:5 82:5,9
 134:16 168:8
 169:3 185:22
 235:6,6 284:13
 298:15,19,19
workspace 304:6
world 21:1 95:14
 253:9 296:9
 320:11
worlds 129:10
worried 118:19
 173:19
worry 117:18
 154:11 189:16
 247:17,18
worse 47:2
worst 87:8
worth 141:15 260:1
 273:21
wouldn't 34:11
 36:10 71:2 78:5
 82:18 83:16 97:17
 98:15 105:15
 108:9 125:8
 131:20 144:1
 152:2 245:16
write 51:13,14
 52:22
writing 242:18,20
 243:20,21 245:10
Writs 201:5
written 4:13 5:16
 8:7 58:10 69:10
 121:15 123:7
 175:8 226:20
 244:6,7
wrong 21:17 78:16
 78:18 87:5 115:19

135:5 139:17
153:11 219:11,12
291:7,20 310:19
www.privacy.usc...
42:16

X

X 315:12

Y

yeah 147:11,15
251:6,12 270:12
271:18 273:18
290:2 295:3
297:12 300:11,18
303:7,21 304:9
305:9 312:12
313:7
year 5:10,20 11:11
25:5 28:8 33:15
33:22 36:3,13,21
39:20 41:20 57:2
57:11,18 60:10
72:21 77:17 89:18
89:19 101:21
103:11,16 139:17
141:3 143:15
158:1,8 166:6,10
167:2,6,7 169:12
169:12 170:5
191:2,6 217:16
218:17 219:3
235:15 241:10
244:18 245:17
246:18 259:13
264:1 268:2,3,13
269:14 283:17
309:21 310:10
316:6 323:1
yearly 140:20
years 14:14 20:4
29:21 30:2 33:19
36:15 42:10 85:20
109:10 143:20
146:16 147:2
180:21 182:13
205:5 207:4 216:9
227:8,12 230:16

246:18,19 252:17
253:6,15 257:10
259:15,16 264:2
269:12 272:13,13
284:13 287:12,12
300:6 301:6,12,14
302:2 310:11
316:6

years' 260:1
yes/no/but 244:2
yesterday 175:6
301:20
young 52:21
285:16
younger 132:15
300:17

Z

Z 119:8

0**1**

1 6:3 14:16 95:2
185:6 205:6 222:6
301:10
1,300 156:21
1,800 300:21
1.1 39:2
1.6 58:2
1:00 178:5
10 87:5 143:14
145:8 147:12
159:8 191:5 213:5
218:12
10's 312:2
10,000 200:12
100 19:11 80:7
209:1,19 260:13
304:1
100-percent 72:17
101s 121:12
10s 312:1
11 214:14 215:21
300:19
11:20 145:2
115 156:13
12 94:22 99:10
143:20 214:12

314:13
12:16 145:3
120 208:2 213:13
213:13 216:19
311:14 316:16
120-day 209:1
128 216:16
13 94:22 97:20
215:1 216:13
219:22 302:21
14 168:15,18
140 111:22 180:4
192:11
140a 5:18,21 7:1,10
153:20 174:12
175:3,9,15,19
176:3,8,14 180:5
234:11,12 235:20
236:18 252:22
274:17 276:13
277:16 283:12
302:6
1432 1:10
145 3:17
146 39:21
15 39:17 141:21
200:12 218:12
279:16
15.00 141:15
1500 110:11
1506 224:6
154 3:20
16 5:1
16th 224:6
17 146:16
18 35:14 86:17
205:5 253:16
268:11
18,000 182:21
184:22
183,000 42:3
19 175:6
1970s 276:21
1980s 186:18
1984 56:12
1985 186:18
1987 58:1
1988 38:16

1995 9:13 18:7,22
146:16 300:14
1996 10:9
1998 10:9

2

2 205:7 222:7
2(d)1.1 106:2
127:20,22
2,000 157:2
2,700 200:4
2.1 223:14,19 242:2
2.3 41:18
20 1:8 114:7 147:2
218:12,12 268:11
306:5 310:1
200 104:6,16 112:9
112:14
2000 234:18
2001 10:10
2008 200:6
2009 236:4
2011 200:9 300:16
2012 6:16 10:13
2013 206:12
2014 235:12
2015 5:10 30:3 76:6
76:22 169:15
217:14 218:9
233:6 272:20
2016 6:18 66:5
223:15 315:12
2017 5:20 39:20
42:1 57:11 139:18
155:13 216:15
218:10
2018 1:8 139:19
169:14,15 174:16
175:6,12 176:17
176:20 258:9
2019 6:3 169:12,13
172:12 246:16
2021 185:6
204 10:13 23:22
23 14:9
24 136:21 141:19
176:17 213:11
24/7 9:21 22:21

25 128:17 306:5
250,000 42:2
26 165:16,17
27 217:17
2701 210:12
2702 210:12
2703 210:12

3

3 40:1 95:2 99:10
 223:11
3.00 39:13
3:15 328:12,22
30 39:13 58:6
 253:15 269:12
300 156:5 203:2
300,000 35:7
32 207:17 308:8
 309:4 310:13
325,000 57:17
328 3:22
33 180:20
3771 35:14

4

4 3:10 113:2 223:16
4.4 113:2
400 156:22
400,000 77:18,20
45 57:20 82:21
48 213:11
4822 327:9
4833 324:5 328:5

5

5 217:9,11
5,000 57:14
5,900 184:21
5:00 23:9
50 112:12
50,000 42:4
500,000 200:5
501(c)(3) 40:14
53 14:15 39:2
55 156:14

6

6 209:11 218:5
 315:2

60 156:14,16 219:8
 219:10
60s 258:7
67,000 57:13

7

7 218:16
7,000-plus 182:22
7,800 57:16
70,000 77:16
700 217:14
70s 258:7
75 39:18 112:12
75,000 35:7
755 300:21

8

8 3:13 216:15
80 78:10,13 80:11
 114:4 219:4,7
80s 191:13 276:22
875 1:11

9

9 214:12 232:5
9:00 1:11 23:9
9:03 4:2
90 39:22 84:18 87:5
90s 261:9 276:22
93 20:11
95 80:13
97 129:19
98 80:13
99 80:13
99.8 58:19

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DoD DAC-IPAD

Date: 04-20-18

Place: Arlington, Virginia

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701