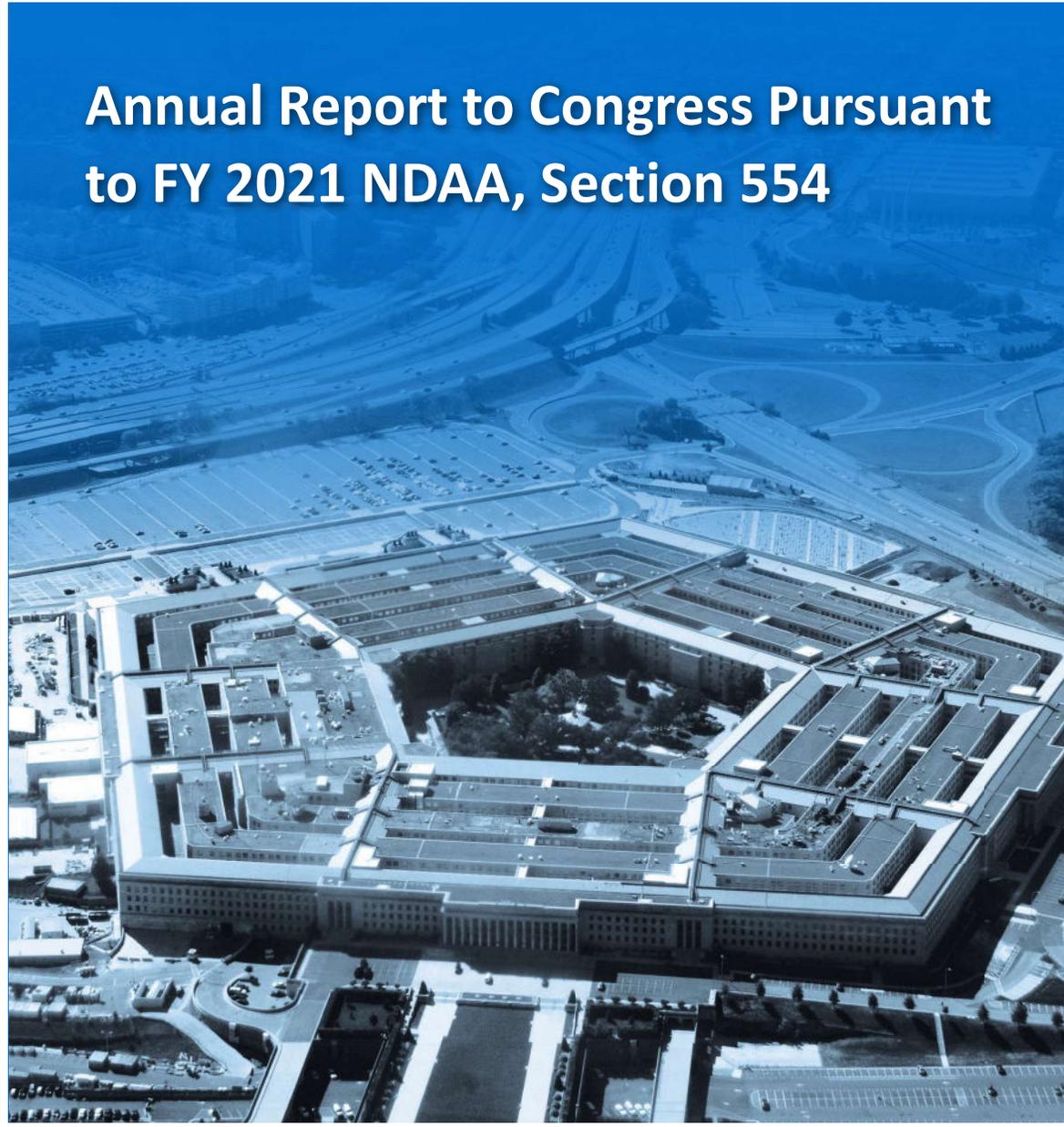




INSPECTOR GENERAL

U.S. Department of Defense

NOVEMBER 30, 2023



Annual Report to Congress Pursuant to FY 2021 NDAA, Section 554

INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE





**OFFICE OF INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500**

Introductory Message

This annual report addresses the reporting requirements pursuant to section 554 of the FY 2021 National Defense Authorization Act (NDAA).¹ Section 554 requires the DoD Inspector General (IG) to submit annual reports to keep Congress informed on findings and recommendations related to:

(i) the effects of policies, programs, systems, and processes of the Department, regarding personnel, on diversity and inclusion in the Department and (ii) the effectiveness of such policies, programs, systems, and processes in preventing and responding to supremacist, extremist, and criminal gang activity of a member of the Armed Forces.

Section 554 also requires the Secretary of Defense to establish policies, processes, mechanisms, and reporting requirements, standard across the covered Armed Forces, regarding participation in prohibited activities. In addition, the Secretary of Defense must detail the implementation of these requirements, as well as annual data pertaining to prohibited activities in the annual report.² Pursuant to a memorandum from the Secretary of Defense dated February 8, 2021, the DoD IG has assumed delegated responsibility for the annual report.

FOR THE INSPECTOR GENERAL:

A handwritten signature in black ink that reads "Sean McDonald". The signature is written in a cursive style with a large, sweeping flourish at the end.

Sean McDonald
Acting Deputy Inspector General
Diversity and Inclusion and Extremism
in the Military

¹ Public Law 116-283, "William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021," section 554, "Inspector General Oversight of Diversity and Inclusion in Department of Defense; Supremacist, Extremist, or Criminal Gang Activity in the Armed Forces."

² Section 554 defines "prohibited activity" as an activity prohibited under DoD Instruction 1325.06, "Handling Dissident and Protest Activities Among Members of the Armed Forces," or any successor instruction. The DoD republished the Instruction on December 20, 2021 (Incorporating Change 2), and changed the title to, "Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces."



Background

Public Law 116-283, “William M. (Mac) Thornberry National Defense Authorization Act for FY 2021,” contained section 554 titled, “Inspector General Oversight of Diversity and Inclusion in Department of Defense; Supremacist, Extremist, or Criminal Gang Activity in the Armed Forces.”³ Section 554 requires that the DoD IG submit annual reports to keep Congress informed on findings and recommendations related to:

(i) the effects of policies, programs, systems, and processes of the Department, regarding personnel, on diversity and inclusion in the Department and (ii) the effectiveness of such policies, programs, systems, and processes in preventing and responding to supremacist, extremist, and criminal gang activity of a member of the Armed Forces.⁴

Section 554 also requires the Secretary of Defense to establish policies, processes, and mechanisms that ensure that all allegations and related information of a member of the covered Armed Force engaged in a prohibited activity are referred to the DoD IG. Further, the established policies, processes, and mechanisms must ensure that the IG can document and track the referral for purposes of an investigation or inquiry of an allegation, to a military criminal investigative organization, an IG, a military police or security police organization, a military commander, another organization or official of the Department, or, a civilian law enforcement organization or official.

In accordance with section 554, this report discusses policies, processes, and mechanisms implemented across the DoD to ensure that all allegations of participation in a prohibited activity are referred to the DoD OIG. Additionally, this report presents findings and recommendations from published oversight work as well as ongoing work on diversity management, preventing and responding to sexual assault, and preventing and responding to participation in prohibited activities. The Offices of the Army IG, the Naval IG, and the Air Force IG provided the information contained within the report for their respective Military Departments (MILDEPs). The DoD Office of Inspector General (OIG) did not independently verify the information provided by Service IGs.

³ Section 554 is codified at section 141, title 10, United States Code, in the notes accompanying the section. The most current version of the statute, including amendments, is at that location.

⁴ This report details the progress toward policies and procedures related to diversity management and prohibited activities during FY 2023. However, the effect and effectiveness of these new policies cannot be assessed until they are fully implemented.

Published Reports Related to DoD Diversity Management, Sexual Assault, and Prohibited Activities Efforts

For the reporting period of October 1, 2022, through September 30, 2023, we identified 19 published reports on diversity management, the prevention of and response to sexual assault, and prohibited activities.⁵ The DoD OIG, Government Accountability Office (GAO), and DoD's Office of People Analytics (OPA) made 90 recommendations for improvement in diversity management, the prevention of and response to sexual assault, and prohibited activity policies, programs, systems, and processes.⁶ This includes 8 DoD OIG oversight reports with 40 recommendations, 1 Naval Audit Service report with 0 recommendations, 8 GAO oversight reports with 47 recommendations, and 2 OPA reports with 3 recommendations.⁷ Generally, these 90 recommendations were to update or implement policy, develop guidance, and improve data accuracy related to diversity management, sexual assault, and prohibited activity programs. Including these oversight reports and other reports fulfills section 554 requirements to report findings and recommendations related to diversity management and prohibited activities.

During this reporting period, the oversight of the policies, programs, systems, and processes regarding diversity and inclusion consisted of 14 reports, listed in Tables 1 and 2. We highlight the following DoD OIG reports:

- Report No. DODIG-2023-083, "Evaluation of the Collection of Demographic Data in the Military Justice System," reported on the extent to which the Services collect uniform demographic data specific to race and ethnicity in accordance with the Military Justice Act requirements included in the FY 2017 NDAA, as defined by Office of Management and Budget Statistical Policy Directive No. 15. This evaluation determined that the Services track the required demographic data in the military justice system from Service members' personnel records. However, the DoD did not

⁵ The DoD defines "diversity management" in DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD," June 8, 2015 (Incorporating Change 2, June 1, 2018), as the plans made and programs undertaken to identify and promote diversity within the DoD to enhance DoD capabilities and achieve mission readiness. DoD Directive 1020.02E established policy and assigned responsibilities to provide an overarching framework for addressing unlawful discrimination and promoting equal opportunity, diversity, and inclusion. However, for purposes of this report, diversity management includes the diversity and inclusion management program, the civilian equal opportunity employment program, and military equal opportunity program.

⁶ The OPA is a DoD office within the Defense Personnel Analytics Center that uses analytical methods and solutions for more effective personnel management in the DoD including assessing the Service member life cycle; using cutting-edge analytical methods; and providing data-driven recommendations, solutions, and tools to improve personnel programs and policies.

⁷ In FY 2023, the GAO issued a report that provides a synopsis of open recommendations associated with previously issued GAO published reports. This report does not provide any new recommendations to the DoD. To avoid duplicative reporting of recommendations, the GAO report is included as an issued report with no new recommendations made.

collect or verify demographic data in the military justice system in the categories required by Office of Management and Budget and DoD policies. The evaluation also found that no requirement existed for the DoD to maintain a central database for the military justice system. The report made four recommendations to the Department. The Under Secretary of Defense for Personnel and Readiness (USD[P&R]) partially agreed with the recommendations.

- Report No. DODIG-2023-073, “Evaluation of DoD Implementation of the Military Equal Opportunity Program’s Data Collection and Reporting Requirements for Complaints of Prohibited Discrimination,” reported the extent to which the DoD implemented the Military Equal Opportunity Program’s data collections and reporting requirements for complaints of prohibited discrimination in accordance with DoD Instruction 1350.02.⁸ The evaluation found that the Office for Diversity, Equity, and Inclusion and the Military Services in the Office of the Under Secretary of Defense for Personnel and Readiness’ (OUSD[P&R]) collected FY 2021 complaint data, but did not fully implement the DoD’s data collection and reporting requirements, nor did they use an approved, automated database. The report made a total of 12 recommendations to the DoD and the Services. The USD(P&R); Office of Diversity, Equity and Inclusion Director; Secretary of the Navy; and Secretary of the Air Force agreed with the recommendations. The Secretary of the Army did not comment on the recommendation.

During this reporting period, oversight of the policies, programs, systems, and processes in preventing and responding to supremacist, extremist, and criminal gang activity of a member of the Armed Forces consists of 5 reports, listed in Tables 1 and 2. We highlight the following DoD OIG report:

- Report No. DODIG-2023-103, “Audit of the Military Service Recruiting Organizations’ Efforts to Screen Applicants for Extremist and Criminal Gang Behavior,” reported on the extent to which the Military Services recruiting organizations screened applications for extremist and criminal gang behaviors in accordance with DoD and Military Service policies and procedures. The audit found that Military Service recruiting organizations generally screened applicants in accordance with guidance; however, the recruiters did not complete all of the screening steps. As a result, Military Service recruiters may not have identified all applications with extremist or criminal gang associations during the screening process. Further, the audit found that one Military Service entered data indicating applicants disclosed extremist or gang associations even though the applicants had

⁸ DoD Instruction 1350.02, “DoD Military Equal Opportunity Program,” September 4, 2020 (Change 1 Effective December 20, 2022).

not made such disclosures. The audit also identified a lack of system controls in the application process. The report made six recommendations to the MILDEPs. Officials from the Offices of the Secretary of the Army, Navy, and Air Force agreed with the recommendations.

See Table 1 for published oversight reports and Table 2 for other published reports on diversity management, sexual assault, and prohibited activities. Unrestricted DoD OIG reports can be accessed at <http://www.dodig.mil/reports.html>. To view the publically available oversight reports, click on the report title.

Table 1. Published Oversight Reports Related to Diversity Management, Sexual Assault, and Prohibited Activities in the DoD

Report Title	Report Number	Number of Recommendations
DoD OIG Reports		
Evaluation of the Military Criminal Investigative Organizations' Adult Sexual Assault Investigations	DODIG-2023-124	2
Audit of Triage and Support Services for Sexual Assault Victims at DoD Medical Treatment Facilities	DODIG-2023-120	5
Audit of the Military Service Recruiting Organizations' Efforts to Screen Applicants for Extremist and Criminal Gang Behaviors	DODIG-2023-103	6
Review of DoD's Co-Location Policies to Support Dual-Military Marriages	DODIG-2023-085	2
Evaluation of the Collection of Demographic Data in the Military Justice Systems	DODIG-2023-083	4
Evaluation of DoD Implementation of the Military Equal Opportunity Program's Data Collection and Reporting Requirements for Complaints of Prohibited Discrimination	DODIG-2023-073	12
Review of the Military Services' Policies and Procedures on the Medical Waiver Process for Recruiting	DODIG-2023-072	7
Audit of Vetting and Continuous Review of International Military Students Training in the United States	DODIG-2023-036	2
GAO Reports		
Violent Extremism: Agencies' and Financial Institutions' Efforts to Link Financing to Domestic Threats	GAO-23-105928	1
DoD Civilian Workforce: Actions Needed to Analyze and Eliminate Barriers to Diversity	GAO-23-105284	3
Senior Reserve Officers' Training Corps: Actions Needed to Better Monitor Diversity Progress	GAO-23-105857	4

Table 1. Published Oversight Reports Related to Diversity Management, Sexual Assault, and Prohibited Activities in the DoD (cont'd)

Report Title	Report Number	Number of Recommendations
Unwanted Sexual Behavior: Improved Guidance, Access to Care, and Training Needed to Better Address Victims' Behavioral Health Needs	GAO-23-105381	15
National Security Snapshot: DoD Active-Duty Recruitment and Retention Challenges	GAO-23-106551	0
Capitol Attack: Federal Agencies Identified Some Threats, but Did Not Fully Process and Share Information Prior to January 6, 2021	GAO-23-106625	10
Domestic Terrorism: Further Actions Needed to Strengthen FBI and DHS Collaboration to Counter Threats	GAO-23-104720	6
Women in Special Operations: Improvements to Policy, Data, and Assessments Needed to Better Understand and Address Career Barriers	GAO-23-105168	8

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DHS Department of Homeland Security

Source: The DoD OIG and GAO.

Table 2. Other Published Reports Related to Diversity Management, Sexual Assault, and Prohibited Activities in the DoD

Report Title	Report Number	Number of Recommendations
Naval Audit Service Reports		
Independent Auditor's Report on the Agreed-Upon Procedures Attestation Engagement on the Navy Junior Reserve Officer Training Corps Program*	X2023-0003	0
OPA Reports		
An Examination of Racial, Ethnic, and Gender Disparities in DON's Personnel Security Program	2023-048	2
Increasing Workforce Commitment and Loyalty in the 21st Century	2021-128	1

* Naval Audit Service reports are not publicly available.

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DON Department of the Navy

Source: The Naval Audit Service and OPA.

Ongoing Projects Regarding Diversity Management, Sexual Assault, and Prohibited Activities

During the reporting period, the DoD OIG; the GAO; the Service audit agencies; the Navy Human Resources Program, Resources and Force Readiness Division; and RAND initiated 17 projects, including 11 projects related to diversity management, 2 projects related to the prevention and response to sexual assault, and 4 projects related to the prevention of prohibited activities.⁹ In accordance with section 554, these ongoing oversight projects, reviews, or studies may provide additional findings and recommendations in diversity management, prevention and response to sexual assault, and prevention of prohibited activities. See Table 3 for a list of the ongoing oversight projects and Table 4 for a list of other ongoing projects.

⁹ According to its website, RAND, is an independent, nonprofit institution, that operates three Federally funded research development centers sponsored by the DoD.

Table 3. Ongoing Oversight Projects Related to Diversity Management, Sexual Assault, and Prohibited Activities in the DoD

Title	Objective	Announcement Date
DoD OIG		
<i>Diversity Management</i>		
Audit of the Military Services’ Actions for Improving Diversity and Inclusion in the DoD	The objective of this audit is to determine the extent to which the Military Services implemented actions to improve diversity and inclusion approved by the Secretary of Defense and agreed to by the Military Services in 2020.	May 24, 2021
Audit of DoD-Funded Science, Technology, Engineering, and Mathematics Education Programs	The objective of this audit is to determine whether DoD-funded science, technology, engineering, and mathematics education programs were developed and assessed in accordance with Federal and DoD policies.	September 26, 2022
Evaluation of the DoD Senior Service Colleges’ Response to Allegations of Harassment	The objective of this evaluation is to determine the extent to which the DoD’s senior service colleges respond to allegations of harassment in accordance with DoD policy.	March 6, 2023
Review of the Army’s Efforts to Prevent and Respond to Harassment of Soldiers	The objective of this review is to determine the effectiveness of the U.S. Army’s actions to prevent and respond to harassment of Soldiers, including sexual harassment, bullying, and hazing, in accordance with Federal and DoD policies.	July 12, 2023
Review of the Department of the Navy Sexual Harassment Complaint Process	The objective of this review is to determine whether the U.S. Navy and U.S. Marine Corps effectively managed the Department of the Navy sexual harassment programs in accordance with Federal and DoD guidance.	July 12, 2023
Review of the DoD Education Activity’s Effort to Report and Respond to Discriminatory Harassment at Schools	The objective of this review is to determine the effectiveness of the DoD Education Activity’s efforts in preventing incidents of discriminatory harassment in accordance with policies and procedures.	August 14, 2023
Evaluation of U.S. Air Force Recruitment and Retention of Female Pilots	The objective of this evaluation is to determine the effectiveness of the Air Force’s recruiting and retention efforts in increasing the number of female active duty pilots.	August 28, 2023
<i>Prevention of and Response to Sexual Assault</i>		
Evaluation of Sexual Assault Prevention and Response Policies and Practices for U.S. Troops Assigned to NATO-Led Organizations	The objective of this evaluation is to determine the extent to which the DoD and Military Services implemented “The NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse” for U.S. Service members and DoD personnel serving in NATO organizations.	February 21, 2023
Review of the DoD’s Implementation of Expedited Transfer Policy Requirements	The objective of this review is to determine whether the DoD is effectively executing the requirements of the expedited transfer policy for the Sexual Assault Prevention and Response Program in accordance with Federal and DoD policies.	October 4, 2023

Table 3. Ongoing Oversight Projects Related to Diversity Management, Sexual Assault, and Prohibited Activities in the DoD (cont'd)

Title	Objective	Announcement Date
GAO		
<i>Diversity Management</i>		
Comparison of Sexual Harassment and Prevention Training at DoD and Other Agencies	GAO objectives are not publically available.	February 14, 2023
<i>Prohibited Activities</i>		
DoD Foreign Student Vetting	GAO objectives are not publically available.	December 2, 2022
U.S. Domestic and International Counterterrorism Expenditures	GAO objectives are not publically available.	December 5, 2022
Non-Judicial Punishment in the Navy and Marine Corps	GAO objectives are not publically available.	March 8, 2023
Army Audit Agency		
<i>Diversity Management</i>		
Diversity in Leadership Ranks	The objective of this review is to determine whether the Army’s diversity, equity, and inclusion initiatives positively impacted the diversity of active duty Soldiers in leadership ranks.	May 22, 2023
Naval Audit Service		
<i>Diversity Management</i>		
Agreed-Upon Procedures for Attestation Engagement of the Equal Employment Opportunity Investigation Process	The objective is to perform procedures related to the timeliness of the Department of the Navy’s Equal Employment Opportunity investigations process.	February 15, 2023

Source: The DoD OIG, GAO, and Military Service Oversight Agencies.

Table 4. Other Ongoing Projects Related to Diversity Management, Sexual Assault, and Prohibited Activities in the DoD

Navy Human Resources Program, Resources and Force Readiness Division		
<i>Prohibited Activities</i>		
<p>Developing an Evidence-Based Framework to Understand and Address Racial and Ethnic Violent Extremism</p>	<p>The study will:</p> <ul style="list-style-type: none"> • build on current research by further developing a continuum-of-harm model linking environmental prevalence of racial and ethnic harassment to violent extremist behaviors; • identify promising evidence-based approaches to preventing violent racial and ethnic extremist behavior, including prevention activities and evaluation methods; • conduct supplementary data analysis to inform the prevention framework; and, • make policy recommendations based on these analyses. 	<p>March 31, 2023</p>
RAND		
<i>Diversity Management</i>		
<p>Optimization of Harassment Response for Service Members</p>	<p>Prepared for the OUSD(P&R), the objective of this study is to:</p> <ul style="list-style-type: none"> • identify which support services and forms of assistance should be available to Service member complainants of any form of harassment and identify whether the current workforce is effectively structured to meet the needs of those Service members, and • determine what, if any, additional services and support may be required by military personnel reporting sexual harassment and identify the most appropriate DoD personnel, policies, and practices to meet those needs. 	<p>August 10, 2022</p>

Source: The Navy Human Resource Agency and RAND.

Summary of FY 2023 Statutory Reports Related to Diversity Management, Sexual Assault, and Prohibited Activities

On December 1, 2022, the DoD OIG issued its second “Annual Report to Congress Regarding the DoD’s Progress on Implementing FY 2021 NDAA Section 554 Requirements,” which covered the DoD’s relevant activities for FY 2022.¹⁰

In April 2023, the USD(P&R) published, “Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2022,” its 19th report in response to section 1631 of the FY 2011 NDAA.¹¹ As required by the FY 2011 NDAA, the USD(P&R) report contained information on sexual assaults involving members of the Armed Forces during the preceding year with the annual sexual harassment assessment included as an appendix.¹² The report appendix documented the number of sexual harassment complaints from October 1, 2021, to September 30, 2022, that were reported by the Military Equal Opportunity offices in the Departments of the Navy and Air Force and by the Sexual Harassment and Assault Response and Prevention Program Office for the Department of the Army. According to the USD(P&R) report appendix, in FY 2022, “the Military Services reported 3,201 complaints of sexual harassment. Of those complaints, 1,053 were substantiated.” The report stated that the DoD is taking several actions, including:

- developing an acquisition strategy to obtain more timely, accurate, and complete data concerning Department-wide Military Equal Opportunity and Equal Employment Opportunity discrimination, harassment, sexual harassment, and related problematic behaviors;
- revising policies to provide a confidential reporting option for Service members to confidentially allege a complaint of sexual harassment to an individual outside the immediate chain of command;
- temporarily extending sexual assault prevention and response services to sexual harassment victims along with commissioning a study concerning the services that should be provided to sexual harassment victims and victims of other forms of harassment; and
- examining the outcomes of On-Site Installation Evaluation visits which provide early detection of risk factors so leaders can take corrective actions and enhance prevention.

¹⁰ Report No. DODIG-2023-034, “Annual Report to Congress Regarding DoD’s Progress on Implementing Fiscal Year 2021 National Defense Authorization Act Section 554 Requirements,” December 1, 2022.

¹¹ Public Law 111-383, “Ike Skelton National Defense Authorization Act for Fiscal Year 2011,” section 1630, “Annual report regarding sexual assaults involving members of the Armed Forces and improvement to sexual assault prevention and response program.”

¹² USD(P&R) Report, “Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2022,” March 16, 2023.

Finally, in March 2023, the DoD published the, “Annual Report on Sexual Harassment and Violence at the Military Service Academies – Academic Program Year 2021-2022,” its 17th report on sexual harassment and violence at the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy in response to section 532 of the FY 2007 NDAA.¹³ As required by the FY 2007 NDAA, the report reviewed the effectiveness of the policies, training, and procedures of the Military Service Academies (MSAs) regarding sexual harassment and sexual violence involving personnel at the MSAs. The report also included an analysis of data collected from the MSAs’ self-assessments, an analysis of sexual assault and sexual harassment reporting data, a review of compliance assessments conducted by the MILDEPs, and the preliminary results for the OPA’s 2022 Service Academy Gender Relations Survey.

For Academic Program Year 2021 through 2022, the DoD stated that sexual harassment and sexual assault remained persistent challenges across the MSAs as rates of unwanted sexual contact and sexual harassment increased. To address these persistent challenges, the Secretary of Defense “directed the Secretaries of the MILDEPs to oversee the execution and support of targeted actions to address the findings from the report.” In addition, the DoD plans to work with the MSAs to resource and implement the applicable recommendations from the Independent Review Commission on Sexual Assault in the Military as identified in the Commission’s 2021 report.¹⁴

DoD Actions to Enhance Diversity Management

The DoD took steps to enhance diversity management. Specifically, the DoD issued a strategic plan, memorandums, and a directive to address diversity, equity, inclusion, accessibility, racial disparities, and sexual harassment in the Armed Forces.

The USD(P&R) stated in the DoD Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan for FY 2022 through 2023 (DEIA Strategic Plan) that “the character of warfare is changing, with a rapidly evolving threat landscape.”¹⁵ As a result, according to the USD(P&R), “the DoD needs diverse perspectives, experiences, and skillsets to remain a global leader, deter war,

¹³ USD(P&R) Report, “Annual Report on Sexual Harassment and Violence at the Military Service Academies – Academic Program Year 2021-2022,” March 10, 2023.

Public Law 109-364, “John Warner National Defense Authorization Act for Fiscal Year 2007,” section 532, “Revision and clarification of requirements with respect to surveys and reports concerning sexual harassment and sexual violence at the service academies.”

¹⁴ Independent Review Commission: Sexual Assault in the Military, “Hard Truths and the Duty to Change: Recommendations from the Independent Review Commission on Sexual Assault in the Military,” June 21, 2021.

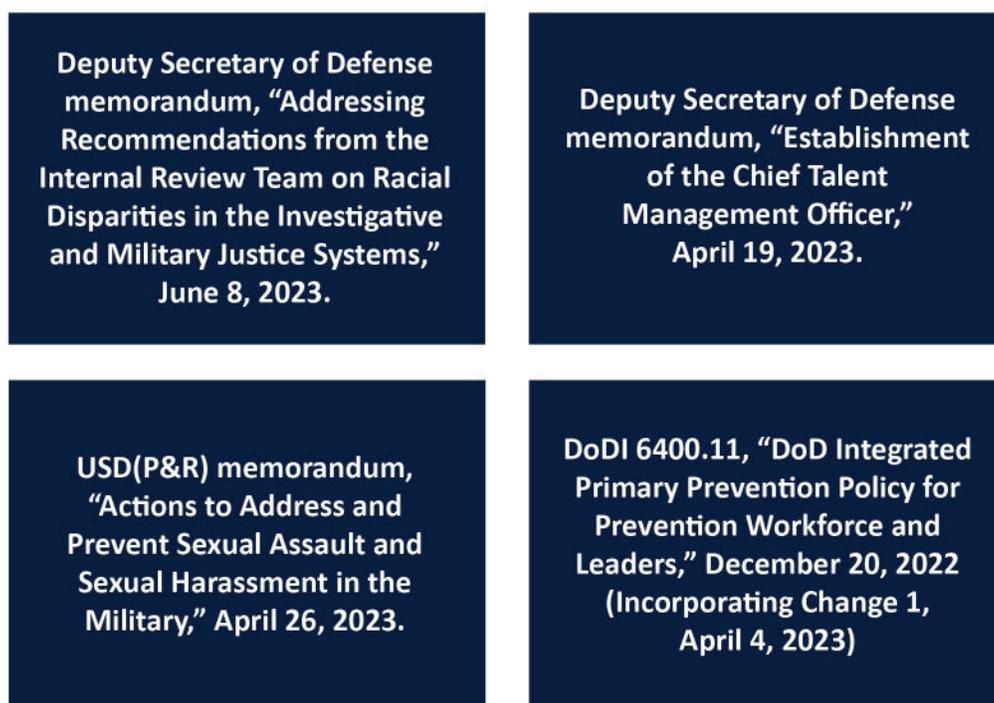
¹⁵ USD(P&R) Strategic Plan, “Department of Defense Diversity, Equity, Inclusion, and Accessibility Strategic Plan for Fiscal Years 2022-2023,” September 30, 2022.

and keep the Nation secure.” The DEIA Strategic Plan established five goals for enhancing the DoD’s workforce readiness; leveraging DEIA; and optimizing the DoD’s diverse talent.

1. Enhanced Global Joint Warfighter Capability to Address Emerging Security Challenges
2. Culture of Organizational Resiliency
3. Expansion of Equity and Equality
4. Workforce Inclusivity
5. Commitment to Accessibility

DoD-Issued Implementation Memorandums and Instruction

Figure 1. DoD Implemented Memorandums and Instruction



Source: The Deputy Secretary of Defense, Under Secretary of Defense for Personnel and Readiness, and the Office of the Under Secretary of Defense for Personnel and Readiness.

Since the USD(P&R)’s Strategic Plan message, the DoD took several actions to address concerns related to diversity management in the DoD. In June 2023, the Deputy Secretary of Defense issued a memorandum addressing the

recommendations in the “Internal Review Team on Racial Disparities in the Investigative and Military Justice Systems” report.¹⁶ In the memorandum, the Deputy Secretary of Defense stated that:

a significant body of data indicated that racial disparities in the investigative and military justice systems exist. These disparities are unacceptable. They degrade Service members, directly impact recruitment and operational readiness, and undermine public trust in the military.

Additionally, the memorandum stated that “additional data and research remain warranted to identify root causes and eliminate these disparities” and, “sufficient research and evidence exists to support thoughtful evaluation of the IRT’s [Internal Review Team] recommendations for immediate action.”

Accordingly, the Deputy Secretary of Defense designated the USD(P&R) as the overall lead for developing a consolidated roadmap to address the Internal Review Team’s recommendations, and each recommendation has a designated Office of Primary Responsibility. Each Office of Primary Responsibility is tasked to review the specific recommendations and provide the USD(P&R) with an assessment on whether to approve, revise, or disapprove the recommendations. The USD(P&R) was tasked to submit a consolidated assessment to the Deputy Secretary of Defense no later than October 2023.

In April 2023, the Deputy Secretary of Defense established the Chief Talent Management Officer position under the authority, direction, and control of the USD(P&R) to address the unique set of workforce challenges that the DoD faces in today’s increasingly competitive labor market.¹⁷ Specifically, the Chief Talent Management Officer, in coordination with Principal Staff Assistants and DoD Component heads, has been directed to:

- lead a comprehensive review to find ways to improve how the DoD attracts, develops, and retains talent;
- develop a DoD talent acquisition and management strategy that will consider current and future department-wide mission requirements; and
- develop a DoD-wide approach to talent acquisition and management based on the imperatives of the National Defense Strategy and the knowledge, skills, and abilities required to accomplish the objectives of the Strategy.

¹⁶ Deputy Secretary of Defense Memorandum for Senior Pentagon Leadership, Commanders of the Combatant Commands, and Defense Agency and DoD Field Activity Directors, “Addressing Recommendations from the Internal Review Team on Racial Disparities in the Investigative and Military Justice Systems,” June 8, 2023.

¹⁷ Deputy Secretary of Defense Memorandum for Senior Pentagon Leadership, Commanders of the Combatant Commands, and Defense Agency and DoD Field Activity Directors, “Establishment of the Chief Talent Management Officer,” April 19, 2023.

Additionally, in April 2023, the USD(P&R) released a memorandum that stated that sexual assault and sexual harassment remained persistent and corrosive problems across the Total Force.¹⁸ The USD(P&R) stated that, to ensure sustained progress, the MILDEPs require attention and commitment to the following actions to produce conditions needed to prevent and respond effectively to sexual assault and sexual harassment in the Nation's military.

The USD(P&R) stated that actions include:

1. continuing to execute the approved Independent Review Commission's recommendations according to the implementation guidance issued in 2021;
2. employ tracking mechanisms that identify civilian positions in the prevention, sexual assault response, and military justice workforces and facilitate reporting on their staffing levels;
3. developing strategies to support the 2023 Force-wide climate assessment;
4. implementing new measures to enhance victim care and support.

Finally, the OUSD(P&R) published DoDI 6400.11, "DoD Integrated Primary Prevention Policy for Prevention Workforce and Leaders," which established and implemented policy, assigned responsibilities, prescribed procedures, and identified requirements for addressing primary prevention of harmful behaviors in military communities.¹⁹ The Instruction also established roles, requirements, and training and education standards for full-time and part-time DoD military and civilian personnel supporting the program. Additionally, this Instruction established learning objectives for leaders to oversee and support prevention activities and provided assessment and evaluation requirements for Integrated Primary Prevention oversight.

Defense Advisory Committee on Diversity and Inclusion

In March 2023, the USD(P&R) released a memorandum titled, "Terms of Reference-Defense Advisory Committee on Diversity and Inclusion," which established seven topics that the Defense Advisory Committee on Diversity and Inclusion was tasked to review during 2023.²⁰ These seven topics aligned with the Committee's chartered areas as shown in Figure 2.

¹⁸ USD(P&R) Memorandum for the Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Chiefs of the Military Services, Chief of the National Guard Bureau, Commanders of the Combatant Commands, Directors of Defense Agencies, and Directors of DoD Field Activities, "Actions to Address and Prevent Sexual Assault and Sexual Harassment in the Military," April 26, 2023.

¹⁹ DoDI 6400.11, "DoD Integrated Primary Prevention Policy for Prevention Workforce and Leaders," December 20, 2022 (Incorporating Change 1, April 4, 2023).

²⁰ Under Secretary of Defense Memorandum, "Terms of Reference Defense Advisory Committee on Diversity and Inclusion," March 17, 2023.

Figure 2. Defense Advisory Committee on Diversity and Inclusion Charter Areas



Source: The Office of the Under Secretary of Defense for Personnel and Readiness.

In May 2023, the Defense Advisory Committee on Diversity and Inclusion held a biannual business meeting, which announced that the Secretary of Defense approved the three subcommittees. The topics were assigned to one of three subcommittees.

- Racial and Ethnic Diversity Subcommittee—measuring success, recruitment and retention initiatives, and selection and assignment of senior leaders
- Racial and Ethnic Inclusion Subcommittee—inclusion and propensity to serve, occupational inclusion, and the 10-year review of the Military Leadership Diversity Commission Report
- Racial and Ethnic Equal Opportunity and Treatment Subcommittee—pipelines and succession planning in the Military and racial and ethnic discrimination

In May 2023, the DoD submitted a report to the Chairs of the House Armed Services Committee and the Senate Armed Services Committee in response to section 551 of the FY 2021 NDAA. The report provided information on the Advisory Committee’s mission, membership, duties and scope of activities, reporting structure, budget, meetings, and the three subcommittees. During the biannual business meeting, the committee received briefings on the following.

- U.S. Army Diversity and Inclusion
- Department of the Navy (DON) Diversity and Inclusion
- U.S. Space Force Diversity and Inclusion
- National Guard Bureau Diversity, Equity, and Inclusion
- U.S. Special Operations Command Diversity and Inclusion
- U.S. Coast Guard Diversity and Inclusion
- Status of Forces Survey Findings on Why Military Members Leave the Armed Forces

Military Department Initiatives Related to Diversity Management

During FY 2023, the MILDEPs reported taking several actions to update policies and procedures related to diversity management, including the establishment of planning teams, maturity models, and employee research groups. The MILDEPs provided the following information.

Department of the Army

According to the Department of the Army, the Sexual Harassment Investigation Mission Analysis Operational Planning Team is responsible for implementing the recommendations from the Independent Review Commission on Sexual Assault in the Military. Initial operational capability will occur in the first quarter of FY 2024.

The Department of the Army stated that the Under Secretary of the Army and Vice Chief of Staff of the Army conducted a course-of-action analysis briefing in August 2023 to determine which Army organization is responsible for providing an "independent professional capability to investigate formal sexual harassment complaints." The briefing resulted in the Under Secretary of the Army and Vice Chief of Staff of the Army providing guidance regarding preferred courses of action. In addition, the Operational Planning Team is reviewing the guidance contained in the draft DoDI 1020.03, "Harassment Prevention and Response in the Armed Forces," and will incorporate this guidance into Army policy once the draft DoDI is approved. The revision to DoDI 1020.03 will codify requirements and processes for formal sexual harassment complaints by the Services.

Finally, the Department of the Army stated that, by July 2024, the Office of the Provost Marshal General will revise Army Regulation 190-30, "Army Police Operations and Investigations," to add the requirement to execute culturally responsive policing.

Department of the Navy

The DON stated that it established its Diversity, Equity, and Inclusion Maturity Model, which uses data to assess how to operationalize the Diversity, Equity, and Inclusion Program; identify opportunities for improvement; and drive future related initiatives. Additionally, the Naval Criminal Investigative Service (NCIS) launched the first Employee Resource Group pilot program to provide a platform for employees to contribute to DEIA efforts and advocate for a more inclusive culture. NCIS also completed a DON DEIA Maturity Model Assessment, enabling

the DON to assess progress, identify areas for improvement, and hold leadership and management accountable for promoting diversity and inclusion across the organization.

The U.S. Navy's Office of People and Culture established Task Force One Navy to analyze and evaluate the barriers in the fleet that detract from readiness. As a result, the task force forwarded 56 recommendations across five different lines of effort to dismantle barriers and increase warfighting readiness. As of July 2023, the Office of People and Culture tracked that 43 of the 56 recommendations were implemented, 10 recommendations will be implemented in FY 2024, and 3 recommendations were cancelled due to cost and feasibility concerns. Recommendations were organized around five specific lines of effort including: (1) recruiting, led by the Navy Recruiting Command; (2) talent management and retention, led by the Navy Personnel Command; (3) professional development, led by the Naval Education and Training Command and Naval Service Training Command; (4) innovation and science, technology, engineering, and mathematics led by the Office of Naval Research; and, (5) additional recommendations and program reviews, led by the Navy Culture and Force Resilience Office. Further, the Office of People and Culture initiated two communities of practice this reporting period—Diversity, Equity, and Inclusion and Navy Women Initiatives. The Office of People and Culture will formalize the communities of practice by January 2024 through Navy Administrative Messages.

In addition, according to the DON, the Chief of Naval Operations' Navigation Plan Implementation Framework developed rigorous and statistical methods to track career progression in the Navy to analyze for additional disparities. Finally, the Naval IG reported that all commands inspected during this reporting period met the requirement to post the commander's sexual harassment policy. DON personnel estimated that 25 to 50 different units were checked.

Department of the Air Force

According to the Department of the Air Force (DAF), it published its DEIA Maturity Model, distributed the DEIA Maturity Model Self-Assessment, and, on August 2, 2023, internally published the DAF DEIA Maturity Model Assessment Report for Major Commanders, Field Commanders, Deputy Commanders and Chief Diversity and Inclusion Officers. The report combined qualitative and quantitative organizational inputs to identify themes, key insights, and current maturity levels across the Department. The results of this assessment established DAF DEIA baselines and were used to establish action plans to improve DEIA effectiveness across the DAF.

Additionally, the DAF stated that it launched the Workforce Analytics Dashboard, the Geographic Diversity Dashboard, and the Leading Inclusively Virtual Experience. The Workforce Analytics Dashboard is an automated data-reporting tool for the Military Personnel Data Systems and the Defense Civilian Payroll System that provides up-to-date statistics on DAF demographics. The Geographic Diversity Dashboard is a tool that compares the geographic diversity of the location of recruitment of DAF members compared to the U.S. population. The DAF stated that the tool enables recruiters and outreach programs to target efforts toward areas that are underrepresented in the DAF. The Leading Inclusively Virtual Experience is a virtual reality experience that uses actor-controlled avatars and realistic scenarios for DAF personnel to engage in difficult conversations.

The DAF reported additional ongoing initiatives that include implementing the Reasonable Accommodations Portal, the seven DAF Barrier Analysis Working Group teams, the selection of Howard University to be the first historically Black college or university to lead the University Affiliated Research Center, and the commencement of the Air Force Cadet Officer Mentor Association, Inc. partnership. The DAF also reported that the University Affiliated Research Center highlights the DAF's strategy to reach and build science, technology, engineering, and mathematics (commonly known as STEM) talents from various backgrounds and provides dedicated facilities to industrial participants and DoD officials to conduct basic, applied, and technology demonstration research. According to the DAF, Air Force Cadet Officer Mentor Association, Inc. partnership establishes a relationship for cooperative efforts to support mutual goals of developing, implementing, and improving strategies for recruiting and retaining a diverse and inclusive workforce of officer and civilian employees.

In September 2023, the Secretary of the Air Force signed the DAF DEIA Strategic Plan and published the inaugural DAF Annual Report on DEIA, which included a program update from the DAF Office of Diversity and Inclusion, a compilation of DEIA-related policy changes and initiatives implemented since 2020, an update from the U.S. Space Force that offers insight into the Space Force's foundational DEIA approach, and progress updates on the 2020 and 2021 Independent Racial Disparity Review and Disparity Review Report findings.

Finally, the Office of the Secretary of the Air Force's Diversity and Inclusion Directorate stated that it coordinated the update to Air Force Instruction 36-7001, "Diversity and Inclusion," which implements DAF Policy Directive 36-70, "Diversity and Inclusion;" piloted the "Senior Executive Managing for Inclusion" 3-day course facilitated by Georgetown University; and debuted the Progress Dashboard, a centralized analytics tool that uses automatically updated data from the

Military Personnel Data System and the Defense Civilian Personnel Data System.²¹ The customizable visualizations increase accessibility, consistency, and transparency on DEIA data trends by visualizing metrics relating to identified DEIA disparities in the areas of Accessions, Retention, Force Development, Promotions, and Organizational Climate.

Additionally, the Secretary of the Air Force's Diversity and Inclusion Directorate stated that it hosted the following.

- Strategic Diversity, Equity, and Inclusion Credentialing Course—a 3-day course facilitated by the Human Capital Institute and recognized by the Society of Human Resource Management.²² The course focused on providing attendees with the tools to promote DEIA initiatives; audit their organization's current culture and practices; integrate DEIA initiatives into strategic workforce planning; attract, assess, and acquire a diverse employee base that can execute department strategies; create a culture and employee experience that is inclusive and equitable for all, including on-going and organization-wide Diversity, Equity, and Inclusion training; and measure the impact of Diversity, Equity, and Inclusion strategies using business metrics. Course participants included personnel from the DAF, DON, and Department of the Army.
- Senior Leader Orientation Course—small group facilitated discussions on a senior leader-tailored scenario regarding an organization's culture and climate. The objectives were to: (1) provide leaders with a psychologically safe space to increase their understanding of individual and organizational challenges; (2) provide leaders with opportunities to implement initiatives to promote a culture of inclusion while also increasing the leaders' understanding of short-, medium-, and long-term impact to Airmen, Guardians, organizations, and Equal Opportunity and Equal Employment Opportunity compliance; and (3) enhance knowledge of personal and organizational cultural competence, bias literacy, and use of skills to foster inclusion and manage talent with dignity and respect.
- The first in-person DAF DEIA Conference—sessions that emphasized to 400 in-person and 2,000 virtual attendees the need for inclusive leadership, trust, and a sense of belonging amid an evolving battlefield.

²¹ Air Force Instruction 36-7001, "Diversity and Inclusion," February 19, 2019.

Air Force Policy Directive 36-70, "Diversity and Inclusion," October 16, 2018.

²² The Human Capital Institute is an organization for human resource professionals and teams who are focused on accelerating business results through strategic human capital practices.

DoD Actions to Mitigate Prohibited Activities

Status of Countering Extremist Activity Working Group Recommendations

The Secretary of Defense tasked the Countering Extremist Activity Working Group (CEAWG) to implement urgent steps and develop additional recommendations regarding the threat posed by extremist activities. In January 2023, OUSD(P&R) personnel provided an update to DoD OIG Diversity and Inclusion and Extremism in the Military (DIEM) that the intention of the DoD CEAWG was met. The Secretary of Defense report on “Countering Extremist Activity Within the DoD” stated that the USD(P&R), in consultation with the Office of Personnel Management, will consider policy recommendations to address extremist activities by and among DoD civilian employees and contractor personnel.²³ OUSD(P&R) personnel stated that the Office of Personnel Management has proposed new Federal employment suitability factors to address the policy recommendation to address extremist activities by and among DoD civilian employees and contractor personnel.

Additionally, the Secretary of Defense report on “Countering Extremist Activity Within the DoD” required the Services to include in-person discussions about extremist activity in periodic training and required the Services to develop counter-extremist activity training tailored for senior enlisted leaders, law enforcement, recruiters, and legal advisors. The USD(P&R) released memorandums on May 11, 2022, and November 29, 2022, to address the implementation of this requirement.²⁴

The CEAWG report also included creating a new stand-alone, computer-based Joint Force extremist activity training for delivery in FY 2022 based on the revised DoDI 1325.06 definition. The report recommended that this training be an annual requirement for DoD personnel. OUSD(P&R) personnel stated that while the training program development is complete and available on Joint Knowledge Online, the Secretary of Defense must direct training implementation through a DoDI.

²³ Secretary of Defense Report, “Report on Countering Extremist Activity Within the Department of Defense”, December 2021.

²⁴ USD(P&R) Memorandum, “Implementation of the Countering Extremist Activity Working Group Report Recommendation 2.6,” May 11, 2022.
USD(P&R) Memorandum, “Implementation of the Countering Extremist Activity Working Group Report Recommendation 2.5,” November 29, 2022.

Finally, the CEAWG report issued an immediate action to commission a study on extremist activity within the Total Force to gain greater fidelity on the scope of the program. The CEAWG report stated that the study was completed and the final report would likely be published in June 2022. However, as of September 2023, the OUSD(P&R) stated that the report had not yet been released.

Department of Defense Actions

In November 2022, the DoD OIG met with the Military Services' IGs to discuss section 554 implementation, the Service notification process for reporting de-identified allegations of prohibited activities to DIEM, and a notification template.²⁵ This discussion included reviewing and demonstrating the reporting process, template, and system; identifying how DIEM will track the information received as specified in the Deputy Secretary of Defense memorandum; and issuing quarterly reports to the Services to validate and ensure consistent and accurate data. On December 1, 2022, DIEM notified the Military Services that the reporting capability was operational and ready to receive Service notifications using the Defense Case Activity Tracking System Enterprise case management system. The system is an enterprise case management system for managing information and related documents regarding allegations of fraud, waste, and abuse throughout a complaint's investigative life cycle.

From November 2022 until April 2023, the DoD OIG met with the MILDEPs to learn about the policies, reporting processes, and electronic systems they use for tracking and reporting prohibited activities allegations. Specifically, DIEM met with the IGs, Military Criminal Investigative Organizations, Judge Advocates General, and Insider Threat Hubs. DIEM identified that each MILDEP has a prohibited activity policy in place, each MILDEP and office follows a different reporting structure and that most offices used different electronic systems. However, the MILDEPs are in the process of approving and implementing policy that will report prohibited activity allegations to the Military Service IGs and the DoD OIG that aligns with section 554 of the FY 2021 NDAA requirements and Deputy Secretary of Defense memorandum, "Reporting Allegations of Active Participation in Extremist and Criminal Gang Activities to the DoD Office of Inspector General," July 27, 2022 requirements.

The Deputy Secretary of Defense memorandum, "Reporting Allegations of Active Participation in Extremist and Criminal Gang Activities to the DoD Office of Inspector General," July 27, 2022, required the Secretaries of the MILDEPs to

²⁵ Deputy Secretary of Defense Memorandum, "Reporting Allegations of Active Participation in Extremist and Criminal Gang Activities to the DoD Office of Inspector General," July 27, 2022, states, "Allegations received must be reported to the Military Department IG and to the DIG(DIEM) in de-identified form. These reports will not include the name, DoD ID number, phone number, or other personally identifiable information that would directly identify alleged offenders or victims."

submit their proposed policies to the OUSD(P&R) for review and approval before policies are issued and become effective. In June 2023, the OUSD(P&R) notified the MILDEPs that the USD(P&R) approved the policies as edited. Although DIEM is prepared to receive prohibited activity allegations from the Military Services, the Military Services are not yet required to report to DIEM because new policies have not been implemented. Therefore, as of September 30, 2023, DIEM has not received any prohibited activity notifications from the Military Services. MILDEP policies will ensure that the DoD OIG is notified of:

- any allegation that a Service member engaged in an activity prohibited under DoDI 1325.06;
- the referral of any allegation involving prohibited activity to: (1) a military criminal investigative organization, (2) an IG, (3) a military police or security police organization, (4) a military commander, (5) the Component Insider Threat Hub, (6) another organization or official of the DoD, or (7) a civilian law enforcement organization or official;
- the referral of any such investigation or inquiry final report to a military commander or other appropriate authority for action for each allegation;
- the final determination that an allegation was substantiated; and
- any resulting action taken against a Service member (such as judicial, disciplinary, adverse, or corrective administrative action; insider threat mitigation; or counseling), including no action, based on the determination of whether an allegation was substantiated.

Military Departments Updated Policies and Procedures for Prohibited Activities

From October 1, 2022, through September 30, 2023, the MILDEPs stated that they initiated actions to update prohibited activity policies and procedures in response to the OUSD(P&R) updating DoDI 1325.06 and the Deputy Secretary of Defense issuing the July 27, 2022 memorandum.

Department of the Army

The Department of the Army stated it is drafting implementation guidance for the new policy requirements. The Army received approval of its draft policy from the OUSD(P&R) on August 16, 2023. The directive requires revising Army Regulation 600-20, which the Department of the Army expects to publish in FY 2024, and provides guidance to all Army commands and organizations to abide by the revised policy language upon issuance.²⁶

²⁶ Army Regulation 600-20, "Army Command Policy," July 24, 2020.

Additionally, the Department of the Army IG led a working group to create Army implementation policy for reporting prohibited activity allegations, investigations, inquiries, and referrals to DIEM as required by the Deputy Secretary of Defense memorandum, "Reporting Allegations of Active Participation in Extremist and Criminal Gang Activities to the DoD Office of Inspector General," July 27, 2022. Army IG personnel stated that, until the draft policy is approved, the Army IG can only respond to allegations of prohibited activities that have been entered into the Army IG's database or through data call coordination across Department of the Army staff.

Finally, the Army Counter-Insider Threat Program and Army Insider Threat Hub began the process of developing a Prevention, Assistance, and Response capabilities policy, which will provide installation commanders and supervisors with options to assist personnel who are at risk of potentially violent behavior and address the problems or stressors. Staffing for the draft policy will begin in the second quarter of FY 2024.

Department of the Navy

The Office of the Assistant Secretary of the Navy (Manpower and Reserve Affairs) created a draft Secretary of the Navy Instruction 1610.4, "Department of the Navy Policy on Handling Protest, Extremist, and Criminal Gang Activities," which complies with the new policy requirements. Navy Instruction 1610.4 will establish policy to ensure the timely collection and reporting of responsive data to DIEM through the Office of the Naval IG and Marine Corps. The OUSD(P&R) approved the Instruction as edited on June 29, 2023, and the DON anticipates issuing it on December 31, 2023.

On June 20, 2023, the Office of the Assistant Secretary of the Navy (Manpower and Reserve Affairs) also issued the memorandum, "Implementation of the Countering Extremist Activity Training."²⁷ The memorandum stated that training must include learning objectives that address the issues related to active participation in prohibited activities and its impacts to the DON. The memorandum required proposed training materials to be submitted to the Office of the Assistant Secretary of the Navy (Manpower and Reserve Affairs) to provide to the OUSD(P&R). Training materials were submitted for approval on August 2, 2023.

²⁷ Assistant Secretary of the Navy (Manpower and Reserve Affairs) memorandum, "Implementation of the Countering Extremist Activity Training," June 20, 2023.

Department of the Air Force

The DAF stated that Department of the Air Force Instruction 51-508, “Political Activities, Free Speech and Freedom of Assembly,” which defines prohibited extremist activities and active participation, was published on March 24, 2023.²⁸ Additionally, DAF stated that the Instruction addresses the requirement for military personnel to not actively participate in criminal gang activity, command authorities, and required reporting for suspected participation in criminal gang activity.

The DAF OIG is updating DAF Instruction 90-301, “Inspector General Complaints Resolution,” to include guidance on identifying, marking, and routing all complaints alleging any supremacist, extremist, and criminal gang activities.²⁹ This includes developing guidance to implement the policy reporting requirements.

The draft Air Force Office of Special Investigations Manual 71-122, volume 1, is currently in the final stages of rewrite. The Manual states that the Air Force Office of Special Investigations investigates all crimes motivated by supremacist, extremist, or criminal gang doctrine, ideology, or cases affecting Air Force personnel. As of September 30, 2023, the Manual remains in coordination with the Air Force Office of Special Investigations and will incorporate guidance from the Targeted Violence Current Operating Procedures, which will be rescinded after publication of the new manual.

FY 2023 Military Department Prohibited Activity Data

To collect information for this report, we requested that the MILDEPs provide prohibited activity data regarding: (1) allegations reported that a member of the covered Armed Force engaged in a prohibited activity, (2) referrals for investigation or inquiry, (3) allegations not referred for investigation or inquiry, (4) allegations not substantiated or cleared by investigation, (5) actions or no actions taken involving members of the Armed Forces who engaged in prohibited activities, and (6) referrals to other law enforcement agencies for the period of October 1, 2022, through September 30, 2023. The Department of the Army, DON, and DAF submitted data to the DoD OIG for this report.³⁰

²⁸ Department of the Air Force Instruction 51-508, “Political Activities, Free Speech and Freedom of Assembly,” March 24, 2023.

²⁹ Draft Department of the Air Force Instruction 90-301, “Inspector General Complaints Resolution.”

³⁰ The Department of the Army reported consolidated data for the Army and the Army National Guard. The DON reported consolidated data for the Navy and the Marine Corps. The DAF reported consolidated data from the Air Force, Space Force, and Air National Guard.

Table 5 reflects the data submitted by the MILDEPs and provides a summary of DoD prohibited activity data for the reporting period. The MILDEPs reported:

- 275 allegations referred for investigations or inquiries,
- 68 allegations not substantiated or cleared by investigation,
- 69 substantiated allegations where Service members were subject to action,
- 136 allegations that remain open or are pending investigation,
- no substantiated allegations reported where Service members were not subject to action, and
- 56 referrals to other law enforcement agencies.³¹

³¹ We did not verify the reliability of the data and relied on information provided by each MILDEP.

Table 5. Summary of DoD Prohibited Activity Information

Reported Category	Department of the Army	DAF			DON			DoD Totals
		Air Force	Space Force	DAF Total	Navy	Marine Corps	DON Total	
Section 1: Allegations								
Extremist ¹	130	29	4	33	10	10	20	183
<i>Advocating or engaging in unlawful force, violence, or other illegal means to deprive individuals of their rights under the U.S. Constitution or laws of the United States.</i>	2	1	NR	1	NR	NR	NR	3
<i>Advocating for or engaging in unlawful force or violence to achieve goals that are political, religious, discriminatory, or ideological in nature</i>	14	1	NR	1	4	3	7	22
<i>Advocating, engaging in, or supporting terrorism within the United States or abroad</i>	43	1	NR	1	NR	NR	NR	44
<i>Advocating for, engaging in, or supporting the overthrow of the U.S. Government or seeking to alter the form of the Government by unconstitutional or other unlawful means</i>	56	20	1	21	NR	1	1	78
<i>Advocating for or encouraging military, civilian, or contractor personnel within the DoD or USCG to violate the laws of the United States or to disobey lawful order or regulations for the purpose of disrupting military activities, or personally undertaking the same</i>	1	NR	1	1	NR	2	2	4
<i>Advocating for widespread unlawful discrimination based on race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation</i>	14	6	2	8	6	4	10	32

Table 5. Summary of DoD Prohibited Activity Information (cont'd)

Reported Category	Department of the Army	DAF			DON			DoD Totals
		Air Force	Space Force	DAF Total	Navy	Marine Corps	DON Total	
Criminal gang activities	51	1	NR	1	6	NR	6	58
Total allegations	215²	30	4	34	16	10	26	275³
Section 2: Referred for Investigation or Inquiry								
Military criminal investigative organization	75	23	3	26	2	5	7	108
Inspector General	5	4	NR	4	6	5	11	20
Military police or security police organization	NR	1	NR	1	NR	NR	NR	1
Military commander	8	1	1	2	NR	NR	NR	10
Other DoD organization or official	101	NR	NR	NR	8	NR	8	109
Civilian law enforcement organization or official	26	1	NR	1	NR	NR	NR	27
Total referred for investigation or inquiry	215	30	4	34	16	10	26	275
Section 3: Not Referred for Inquiry or Investigation								
Total not referred for inquiry or investigation	NR	NR	NR	NR	NR	NR	NR	NR
Section 4: Not Substantiated or Cleared by Investigation								
Total not substantiated or cleared by investigation	42	14	3	17	7	2	9	68
Section 5: Substantiated— Subject to Action								
Court-martial	1	NR	NR	NR	1	NR	1	2
Other criminal prosecution	NR	NR	NR	NR	NR	NR	NR	NR
Non-judicial punishment under Article 15 of the Uniform Code of Military Justice	17	NR	NR	NR	NR	NR	NR	17

Table 5. Summary of DoD Prohibited Activity Information (cont'd)

Reported Category	Department of the Army	DAF			DON			DoD Totals
		Air Force	Space Force	DAF Total	Navy	Marine Corps	DON Total	
Administrative corrective action	38	NR	1	1	5	6	11	50
<i>Involuntary discharge</i>	16	NR	NR	NR	NR	3	3	19
<i>Denial of reenlistment</i>	NR	NR	NR	NR	NR	NR	NR	NR
<i>Counseling</i>	1	NR	NR	NR	1	1	2	3
<i>Other</i>	21	NR	1	1	4	2	6	28
Total substantiated—subject to action	56	NR	1	1	6	6	12	69
Section 6: Remain Open and Pending Investigation								
Total open and pending investigation	117	12	1	13	4	2	6	136
Section 7: Substantiated—No Action Taken								
Total substantiated—no action taken	NR	NR	NR	NR	NR	NR	NR	NR

Table 5. Summary of DoD Prohibited Activity Information (cont'd)

Reported Category	Department of the Army	DAF			DON			DoD Totals
		Air Force	Space Force	DAF Total	Navy	Marine Corps	DON Total	
Section 8: Referred to Other Law Enforcement Agencies								
CIV LEA	16	NR	NR	NR	NR	NR	NR	16
Joint Federal/CIV LEA	26	4	NR	4	NR	NR	NR	30
Federal (including FBI)	9	1	NR	1	NR	NR	NR	10
Total referrals to other LEAs	51	5	NR	5	NR	NR	NR	56

¹ Extremist definitions are in DoDI 1325.06, "Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces," December 20, 2021. DoDI 1325.06, enclosure 3, paragraph 8.c(1), (a)-(f) contains the policy definitions.

² The Army's Military Justice Online does not classify cases by extremist categories and the data contained within the database is not sufficient for a third party to classify the cases by extremist categories. However, there are 37 total cases from Military Justice Online that are included in the total but not classified by extremist categories.

³ The MILDEPs reported 275 total allegations. Of those allegations reported, 275 were referred for investigation or inquiry. The MILDEPs did not report any allegations not referred for investigation or inquiry. One MILDEP stated there is no current policy directing the MILDEP to record or report allegations of prohibited activity that have not yet proceeded to inquiry or investigation.

LEGEND

CIV LEA Civilian Law Enforcement Agency

NR None Reported

USGC U.S. Coast Guard

Source: The IGs for the Army, Navy, and Air Force.

Additionally, the MILDEPs reported challenges compiling and validating data. For example, the Department of the Army stated that several independent databases collect information on Army prohibited activities once an investigation is launched, making it impossible to track the number of total Army annual allegations of prohibited activities when a formal investigation was not started. The DAF stated that multiple offices and agencies conduct and record actions and records regarding prohibited activities. Therefore, a single reporting system was not available, and the data collection required significant coordination between offices. Additionally, the DAF stated that the Air National Guard reporting was inconsistent due to the Air National Guard's structure. Specifically, DAF personnel stated that Air National Guard members may or may not be in a military status at the time of the alleged misconduct and may require legal review to determine whether the allegation is reportable or actionable from a military justice perspective. DAF personnel stated that the new DAF process would improve reporting by the Air National Guard in the future. Furthermore, the DON stated that the data collection process was time consuming and created confusion because policy issues and policy writing is occurring at the same time. Finally, the DON stated that, despite efforts to de-identify and mitigate risk, the reporting process could compromise individuals' private interest, which may lead to negative personal or professional consequences. However, the DON hopes that the newly established reporting process will mitigate the risk.

Conclusion

During this reporting period, the DoD reported making progress by establishing policies and programs related to diversity management, prevention of and response to sexual assault, and the prevention of prohibited activity within the DoD. Our report details the issuance of 19 oversight reports resulting in 90 recommendations for improvement in diversity management and prohibited activities policies, programs, systems, and processes. Additionally, 17 ongoing initiatives relate to diversity management, prevention of and response to sexual assault, and prevention of prohibited activities across the DoD.

Section 554 also requires the Secretary of Defense to establish policies, processes, mechanisms, and reporting requirements, standard across the covered Armed Forces, regarding participation in prohibited activities. The revision of DoDI 1325.06 established standardized policies, processes, and mechanisms to prevent participation in prohibited activities by members of the Armed Forces. Additionally, the Deputy Secretary of Defense July 27, 2022, memorandum provided the MILDEPs with implementation guidance that directs data collection for future DoD OIG section 554 reports, and the MILDEPs have taken action to begin

fulfilling section 554 reporting requirements. MILDEP policies that comply with the Deputy Secretary of Defense July 27, 2022, memorandum were approved as edited by the USD(P&R) and are currently being finalized by the MILDEPs prior to implementation. Furthermore, the DoD issued a strategic plan, memorandums, and guidance and began research for diversity management. The MILDEPs also took action to update or issue policies and procedures related to diversity management, including the establishment of planning teams, maturity models, and employee research groups. Additionally, the MILDEPs updated policies and procedures for prohibited activities, including working groups and issuance of new or updated guidance.

Finally, for the period of October 1, 2022, through September 30, 2023, the MILDEPs submitted data for prohibited activity allegations. The MILDEPs reported 275 total allegations that were referred for investigation or inquiry. However, due to the lack of policy requiring the MILDEPs to track allegations received but not referred for inquiry or investigation, the MILDEPS did not report allegations not referred for inquiry or investigation. Additional prohibited activities data that the MILDEPs reported includes 68 allegations not substantiated or cleared by investigation, 69 allegations substantiated and subject to action, 136 allegations that remain open or pending investigation, no allegations substantiated with no action taken, and 56 allegations referred to other law enforcement agencies. However, in compiling the information provided for this report, DIEM identified that, while the DoD established policies and processes, the MILDEPs reported challenges compiling and validating data. Although the MILDEPs received approval on standardized processes, until implementation of standardized processes occurs, the DoD will have inconsistent tracking of prohibited activities participation; problems identifying, collecting, and reporting data from multiple, decentralized systems; and difficulty validating the accuracy of reported data.



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Congressional Liaison

703.604.8324

Media Contact

public.affairs@dodig.mil; 703.604.8324

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4800 Mark Center Drive
Alexandria, Virginia 22350-1500
www.dodig.mil
DoD Hotline 1.800.424.9098

