

GAO Highlights

Highlights of [GAO-24-106386](#), a report to congressional committees

Why GAO Did This Study

The Military Justice Review Group reported in 2015 that the Uniform Code of Military Justice embodies a single overarching principle: military law can foster a highly disciplined force if it is fair and just.

The National Defense Authorization Act for Fiscal Year 2022 includes a provision for GAO to compare the military departments' reports to Congress on racial and ethnic disparity to reports assessing racial and ethnic disparity in civilian criminal justice systems in the U.S.

This report assesses the extent to which the military departments' reports (1) include required elements as defined in the statute; (2) enable a DOD-wide assessment of racial and ethnic disparities in the military justice system; and (3) are comparable to studies assessing racial and ethnic disparity in the U.S. civilian criminal justice system. GAO assessed the military departments' reports against the required elements; reviewed 27 selected studies published since 2018 on disparities in civilian justice systems; reviewed DOD and military department guidance and reports; and interviewed cognizant military department officials.

What GAO Recommends

GAO is making six recommendations, including that DOD improve data collection and analysis, designate an office to oversee related efforts, and comprehensively assess the military justice process to identify all areas of possible disparity, among other things. DOD generally concurred with the recommendations.

View [GAO-24-106386](#). For more information, contact Cathleen A. Berrick at (202) 512-3404 or berrickc@gao.gov.

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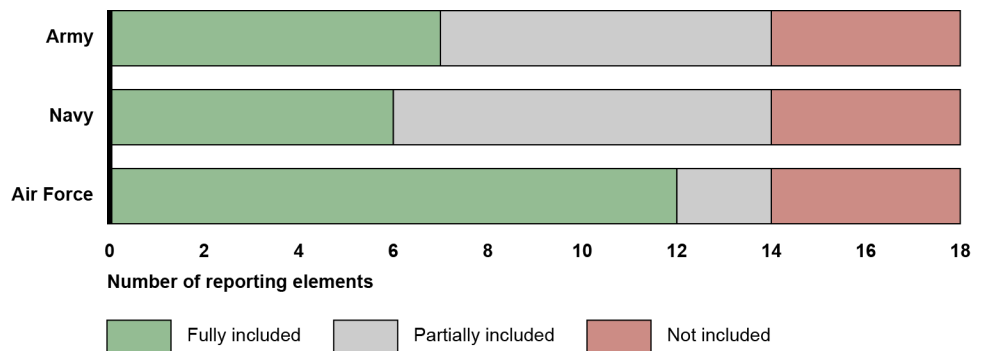
MILITARY JUSTICE

Increased Oversight, Data Collection, and Analysis Could Aid Assessment of Racial Disparities

What GAO Found

The Departments of the Army, Navy and Air Force varied in the extent to which they included 18 statutorily required elements in their reports on racial and ethnic disparities in their military justice and discipline processes and personnel policies. These elements related to items such as investigations, court-martial panel selection, and sentencing, as well as data on accession, retention, and promotion rates. Each military department at least partially included 14 of the 18 elements but did not include others due to data limitations or because they were deemed less relevant in the military context according to officials (see figure).

Inclusion of Elements in Military Department Racial Disparity Reports as Required by the National Defense Authorization Act for Fiscal Year 2022



Source: GAO analysis of military department information. | GAO-24-106386

Several issues limited the usefulness of the military departments' reports—and may limit the usefulness of future reports—in assessing racial and ethnic disparities in the military justice system. Specifically:

- The departments do not centrally collect and maintain data for some segments of the military justice process such as commander-directed investigations, which are subject to commander discretion and could result in serious disciplinary action. Without a standardized process to collect and maintain such data, the Department of Defense (DOD) will lack visibility over areas that may contribute to disparities.
- The departments differ in how they capture, analyze, and present data on racial and ethnic disparities, which precludes a comparison of results. Without DOD-level oversight to coordinate these varying efforts, the department may lack the visibility needed to achieve the cultural change required to address such complex issues.

In reviewing selected studies on civilian criminal justice systems, GAO identified assessments of disparities in jury selection and sentencing that are not currently included in the military's reports on racial disparities in the military justice system. By comprehensively assessing the military justice and discipline process to identify all areas where racial and ethnic disparities may exist, DOD could maximize its ability to identify and address the root causes of disparities and reinforce the department's commitment to a fair and equitable justice system.