

GAO Highlights

Highlights of [GAO-20-648T](#), a testimony before the Subcommittee on Military Personnel, Committee on Armed Services, House of Representatives

Why GAO Did This Study

The Uniform Code of Military Justice (UCMJ) was established to provide a statutory framework that promotes fair administration of military justice. Every active-duty servicemember is subject to the UCMJ, with more than 258,000 individuals disciplined from fiscal years 2013-2017, out of more than 2.3 million unique active-duty servicemembers. A key principle of the UCMJ is that a fair and just system of military law can foster a highly disciplined force.

This statement provides information on 1) the collection of race and ethnicity information in the military services' databases, 2) the extent of racial disparities in investigations, disciplinary actions, and case outcomes in the military justice system, and 3) steps taken by DOD to study any identified disparities. This statement is based on [GAO-19-344](#) issued on May 30, 2019. As part of that work, GAO analyzed data from the investigations, military justice, and personnel databases from the military services, including the Coast Guard, from fiscal years 2013-2017 and interviewed agency officials.

What GAO Recommends

GAO made 11 recommendations in prior work, including that the military services develop the capability to present consistent race and ethnicity data, and DOD and the Coast Guard include demographic information in military justice annual reports and evaluate the causes of disparities. DOD and the Coast Guard generally concurred. Progress has been made in addressing some of the recommendations. Continued attention is needed to ensure that the remainder of these recommendations are addressed.

View [GAO-20-648T](#). For more information, contact Brenda S. Farrell at (202) 512-3604 or farrellb@gao.gov.

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MILITARY JUSTICE

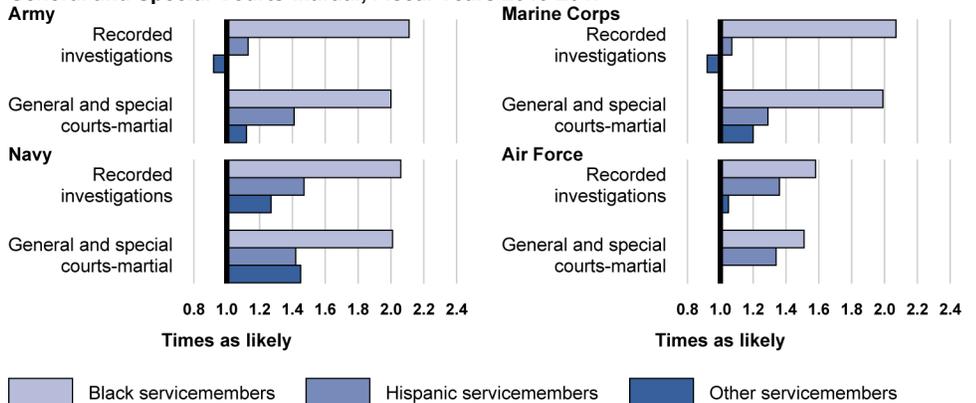
DOD and the Coast Guard Need to Improve Their Capabilities to Assess Racial Disparities

What GAO Found

In May 2019, GAO found that the military services did not collect consistent information about race and ethnicity in their investigations, military justice, and personnel databases. Thus, the military services are limited in their ability to identify disparities (i.e., instances in which a racial or ethnic group was overrepresented) in the military justice system. The military services were not required to, and thus did not, report demographic information that would provide greater visibility into potential disparities in their annual military justice reports.

GAO's analysis of available data identified disparities in how likely servicemembers of different races were to be subjects of investigations recorded in military criminal investigative organization databases and tried in general and special courts-martial in particular. For example, in three military services, Black servicemembers were about twice as likely as White servicemembers to be tried in general and special courts-martial. Racial disparities generally were not present in convictions or punishments. These findings show an association for disparities at particular stages of the military justice process, but are inconclusive regarding other stages. However, GAO's findings of racial disparities, taken alone, do not establish whether unlawful discrimination has occurred, as that is a legal determination that would involve other corroborating information and supporting statistics.

Likelihood That Servicemembers Were Subjects of Recorded Investigations and Tried in General and Special Courts-Martial, Fiscal Years 2013-2017



Source: GAO analysis of service investigation, military justice, and personnel data. | GAO-20-648T

Note: These analyses, taken alone, should not be used to make conclusions about the presence of unlawful discrimination. These multivariate regression analysis results estimate whether a racial group is more likely or less likely to be the subject of an investigation or a trial in general or special courts-martial after controlling for race, gender, rank, and education, and in the Air Force, years of service. GAO made all racial comparisons to White servicemembers, and grouped individuals of Hispanic ethnicity together, regardless of race. The Other race category includes individuals who identified as American Indian/Alaska Native, Asian, Native Hawaiian/Other Pacific Islander, and multiple races.

The Department of Defense (DOD) has taken some steps to study disparities but has not comprehensively evaluated the causes of racial disparities in the military justice system. Doing so would better position DOD to identify actions to address disparities and to help ensure the military justice system is fair and just.