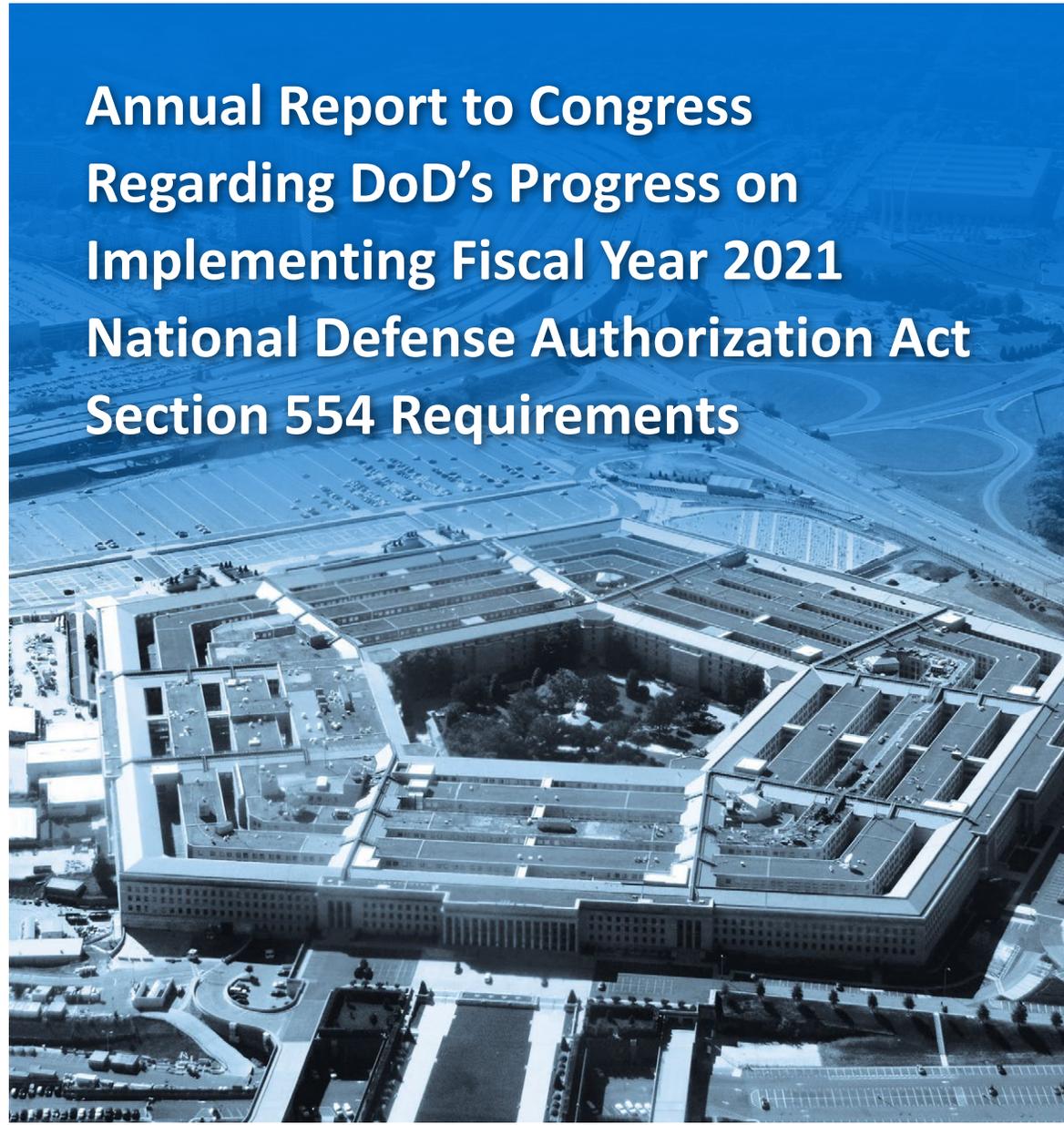




INSPECTOR GENERAL

U.S. Department of Defense

DECEMBER 1, 2022



Annual Report to Congress Regarding DoD's Progress on Implementing Fiscal Year 2021 National Defense Authorization Act Section 554 Requirements

INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE





**INSPECTOR GENERAL
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Introductory Message

This annual report addresses the progress of the Department of Defense (DoD) toward implementing standardized policies and processes as directed by Section 554 of the FY 2021 National Defense Authorization Act (NDAA).¹ Section 554 requires that annual reporting contain findings and recommendations regarding: (1) the effects of policies, programs, systems, and processes of the Department, regarding personnel, on diversity and inclusion in the Department; and (2) 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, and to detail the implementation of these requirements, as well as annual data pertaining to prohibited activities in the annual report.² The Secretary of Defense delegated the responsibility for submitting the annual report to the DoD Inspector General.

A handwritten signature in black ink, appearing to read "Theresa S. Hull".

Theresa S. Hull
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 Fiscal Year 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 Inspector General (DoD IG) submit annual reports to keep Congress informed on the DoD’s findings and recommendations regarding: (1) the effects of policies, programs, systems, and processes of the Department, regarding personnel, on diversity and inclusion in the Department, and (2) 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.

Oversight Work Related to Diversity, Inclusion, and Prohibited Activities

For the reporting period of October 1, 2021, through September 30, 2022, we identified five reports on diversity, inclusion, and prohibited activities. The DoD Office of Inspector General (OIG), Government Accountability Office (GAO), and Military Service Inspectors General made 70 recommendations for improvement in diversity, inclusion, and prohibited activities policies, programs, systems, and processes across the DoD. Additionally, we identified DoD initiatives related to diversity, inclusion, and prevention of prohibited activities. To further highlight recent work in these areas, the DoD OIG compiled a listing of published reports related to diversity, equity, inclusion, and accessibility (DEIA), issued between September 2014 and September 2022. See the Appendix for the full listing of DoD OIG DEIA reports.

Summary of Reports Related to Diversity and Inclusion During FY 2022

In September 2022, the DoD OIG issued a report that focused on the DoD’s implementation of the Military Leadership Diversity Commission’s 2011 report recommendations and the DoD Diversity and Inclusion Strategic Plan for 2012 to 2017.⁴ The objective of this evaluation was to determine whether the Office of the Under Secretary of Defense for Personnel and Readiness (OUSDP[R]) and the Service-level diversity and inclusion offices took action on the recommendations in the Commission’s report. The evaluation identified that OUSDP[R] and the Service-level diversity and inclusion offices did not fully implement 12 of the 18 recommendations identified in the 2011 Military Leadership Diversity Commission report. They did not fully implement the recommendations because the DoD did not have an official who was responsible for conducting

³ Section 554 is codified at 10 U.S.C. §141.

⁴ Report No. DODIG-2022-144, “Evaluation of the DoD’s Implementation of the Military Leadership Diversity Commission’s 2011 Report Recommendations and the DoD Diversity and Inclusion Strategic Plan for 2012 to 2017,” September 30, 2022.

oversight of the implementation of the recommendations. Additionally, officials for the Office for Diversity, Equity, and Inclusion, aligned under the OUSD(P&R), stated that they did not have a formal program or requirement to track this progress.

Without defined policy, roles and responsibilities, and data collection, the DoD could not determine what progress it had made and what it still needed to accomplish. The DoD OIG made 44 recommendations, which included that the Under Secretary of Defense for Personnel and Readiness appoint an official responsible for oversight of progress toward implementing recommendations from the Military Leadership Diversity Commission. Officials from OUSD(P&R), the Air Force, and Navy Diversity and Inclusion Offices generally agreed with the report recommendations, while officials from the National Guard Bureau Diversity and Inclusion Office disagreed with the report recommendations. The Army and Marine Corps Diversity and Inclusion Offices did not respond to the recommendations in the report.

We also identified recent reports from the GAO and Army Inspector General that focused on diversity and inclusion. In July 2022, the GAO issued a report on the organizational climates of the Military Service academies.⁵ The objectives of this review were to evaluate the extent to which the academies collected information to develop a complete picture of the organizational climate, the perceptions of current students concerning the organizational climate at their respective Service academies, and the extent to which the Service academies had taken actions to improve their climate.

The GAO report concluded that military academies had a pivotal role in developing leaders who share the DoD's vision of a diverse and inclusive force, and cultivating an organizational climate that reflected these values. The report also determined that the academies used a variety of tools for gathering information and assessing their organizational climates. However, the tools did not provide a complete and reliable picture of the climate because the academies did not complete and implement performance measures and not all discrimination or harassment allegations were being entered into these tools.

The GAO credited the academies for actions taken that improved their organizational climate, but it determined that the academies were unable to assess the effectiveness of their actions because the academies did not complete and implement performance measures. The GAO explained that without performance measures, the academies are not able to evaluate their actions and have limited their ability to identify measurable improvements to their organizational climates. The GAO recommended that each Service Secretary ensure that their respective Service academy develop and implement diversity and inclusion performance measures to assess the effectiveness of their program and develop a standardized process to document discrimination and harassment allegations that are not entered into the formal complaint processing system. The Director of the DoD's Office for Diversity, Equity, and Inclusion stated that the DoD concurred with all recommendations.

⁵ GAO Report No. GAO-22-105130, "Military Service Academies: Actions Needed to Better Assess Organizational Climate," July 29, 2022.

Finally, in April 2022, the Army Inspector General issued a report on the U.S. Army Military Equal Opportunity (MEO) Program to the Secretary of the Army.⁶ The inspection assessed the effectiveness of the MEO Program through data collection, virtual inspection interviews, site inspections, sensing sessions, and automated surveys. The report contained seven findings, including that the U.S. Army MEO Program needed improved oversight, and that aligning resources with Army systems and policies would enhance the overall program. However, the report highlighted that commanders understood their MEO programs and effectively executed them in accordance with Army Regulation 600-20, “Army Command Policy,” July 24, 2020.

The inspection also found that MEO professionals understood equal opportunity regulations and guidance, and 91 percent of the 35,498 Soldiers surveyed were satisfied with the Army MEO Program. Report recommendations focused on resourcing units with appropriate personnel, standardizing MEO training, redeveloping command climate assessments, conducting additional staff assistance visits to measure effectiveness, finalizing the transition to an integrated case management reporting system, and annotating substantiated equal opportunity complaints on evaluations reports. Army officials concurred or concurred with comment to all recommendations.

Summary of Reports Related to the Prevention of Prohibited Activities During FY 2022

In May 2022, the DoD OIG issued a report focused on the DoD’s efforts to address ideological extremism within the Armed Forces.⁷ The objective of this evaluation was to determine the extent to which the DoD and the Military Services had implemented policy and procedures that prohibit active advocacy and active participation related to supremacist, extremist, or criminal gang doctrine, ideology, or causes by active duty military personnel, as required by DoD Instruction (DoDI) 1325.06. The evaluation identified two findings.

- The Instruction was outdated, and it did not have sufficiently detailed or easily understood definitions of extremism-related terminology.
- The DoD collected information on prohibited activities, but the DoD did not have interconnected systems, making it difficult to establish the full extent of extremist activity within the Armed Forces.

Senior officials from the OUSD(P&R), the Office of the Under Secretary of Defense for Intelligence and Security, and the Military Departments (MILDEPs) concurred with all recommendations.

⁶ Department of the Army Office of the Inspector General Report, “Department of the Army Inspector General Special Inspection of the U.S. Army Military Equal Opportunity (MEO) Program,” April 4, 2022.

⁷ Report No. DODIG-2022-095, “Evaluation of Department of Defense Efforts to Address Ideological Extremism Within the Armed Forces,” May 10, 2022.

We also identified a recent report from the GAO related to the prevention of prohibited activities. In August 2022, the GAO issued a report on the Armed Forces' policies for tattoo permissions and restrictions.⁸ DoDI 1325.06 prohibits tattoos that support extremist groups or organizations, and criminal gangs or organizations that support criminal gang doctrine, ideology, or causes because these tattoos erode good order and discipline.⁹

In its study, the GAO examined the extent to which:

- tattoo policies existed for potential and current members of the Armed Forces,
- the Armed Forces assessed any effects of their tattoo policies on recruitment and retention of members, and
- the Armed Forces had waiver processes for unauthorized tattoos.

The GAO stated that the prevalence of tattoos has increased among young Americans; however, the Armed Forces have not provided clear guidance on tattoo waivers, which could clarify if tattoos are a barrier to future or continued military service. The report identified that not all Services clearly defined in their policy which tattoos were eligible for a waiver request, if waivers applied to recruits or current Service members, who constituted the waiver authority, or other requirements to apply for and receive a tattoo waiver.

The report recommended that the six Armed Forces update their tattoo policies to clarify whether waivers were available for recruits and Service members, as well as provide well-defined direction on acceptable tattoos and the process for requesting a waiver, if applicable. The DoD, Military Services, and Department of Homeland Security agreed with the recommendations.

Ongoing Initiatives for DoD Diversity, Inclusion, and Prevention of Prohibited Activities

During the reporting period, the DoD OIG initiated five projects related to diversity and inclusion and one project related to the prevention of prohibited activities. The DoD OIG's five ongoing diversity and inclusion projects are:

- "Audit of the Military Services Actions for Improving Diversity and Inclusion in the DoD," announced May 24, 2021. The objective of this audit is to determine to what extent the Military Services implemented actions to improve diversity and inclusion that were approved by the Secretary of Defense and agreed to by the Military Services in 2020;

⁸ GAO Report No. GAO-22-105676, "Military Personnel: Armed Forces Should Clarify Tattoo Policies' Waiver Guidance," August 17, 2022.

⁹ DoDI 1325.06, "Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces," November 27, 2009, (Incorporating Change 2, December 20, 2021).

- “Evaluation of the Department of Defense’s Implementation of the Military Equal Opportunity Program’s Data Collection and Reporting Requirements for Prohibited Discrimination Complaints,” announced May 2, 2022. The objective of this evaluation is to determine the extent to which the DoD implemented the Military Equal Opportunity Program’s data collection and reporting requirements for prohibited discrimination complaints in accordance with DoDI 1350.02, “DoD Military Equal Opportunity Program,” September 4, 2020;
- “Evaluation of the Collection of Demographic Data in the Military Justice Systems,” announced May 9, 2022. The objective of this evaluation is to determine the extent to which the Services are collecting uniform demographic data specific to race and ethnicity in accordance with the Military Justice Act requirements included in the FY 2017 National Defense Authorization Act, as defined by Office of Management and Budget Statistical Policy Directive No. 15;
- “Audit of DoD-Funded Science, Technology, Engineering, and Mathematics Education Programs,” announced September 26, 2022. The objective of this audit is to determine whether DoD-funded science, technology, engineering, and mathematics (STEM) education programs were developed and assessed in accordance with Federal and DoD policies; and
- “Review of the Military Services’ Policies and Procedures on the Medical Waiver Process for Military Recruiting,” announced October 3, 2022. The objective of this review is to determine the extent to which the Services consistently applied the medical waiver process for recruitment.

The DoD OIG’s ongoing project related to the prevention of prohibited activities is the “Audit of the Military Service Recruiting Organizations’ Efforts to Screen Applicants for Supremacist, Extremist, or Criminal Gang Behavior,” announced January 3, 2022. The objective of this audit is to determine whether the Military Service recruiting organizations screened applicants for supremacist, extremist, and criminal gang behavior, in accordance with DoD and Military Service policies and procedures.

Additionally, the Deputy Secretary of Defense directed an initiative to address diversity and inclusion. In a May 2022 memorandum, the Deputy Secretary directed the establishment of an Internal Review Team (IRT) to focus on addressing the root causes of racial disparities in the investigative and military justice system.¹⁰ According to the Deputy Secretary’s memorandum, the IRT will provide actionable recommendations that the DoD can implement to improve policies, programs, processes, and resources to address these inconsistencies.

¹⁰ Deputy Secretary of Defense Memorandum for Senior Pentagon Leadership, Commanders of the Combatant Commands, and Defense Agency and DoD Field Activity Directors, “Internal Review Team on Racial Disparities in the Investigative and Military Justice Systems,” May 3, 2022.

DoD Actions to Mitigate Prohibited Activities

In April 2021, the Secretary of Defense directed several immediate actions to address extremism across the DoD.¹¹ He established the DoD Countering Extremist Activity Working Group (CEAWG) to assess the threat of prohibited activities within the DoD and he tasked the Under Secretary of Defense for Personnel and Readiness and the DoD General Counsel to update DoDI 1325.06 to revise the definition of prohibited extremist activities.

Countering Extremist Activity Working Group Published Recommendations

Beginning in April 2021, the DoD CEAWG analyzed the threat posed by extremist activity. In December 2021, the Secretary issued a report on countering extremist activity within the DoD, which provided background on work already completed by the DoD, detailed the implementation status of the Secretary's previously directed actions, and described six additional CEAWG recommendations and associated actions.¹² The recommendations included:

- developing a comprehensive training and education plan that provided regular training on prohibited extremist activity to DoD personnel, including those advancing in leadership positions;
- reviewing and updating policies to provide notice to the Total Force and DoD contractor personnel on prohibited extremist activity; and
- improving and modernizing insider threat programs by enhancing capabilities, maximizing information sharing, and ensuring a consistent and full understanding of any legal requirements.

The DoD Issued Instructions and an Implementation Memorandum

With the publication of the CEAWG recommendations, the Secretary of Defense directed the implementation of the six CEAWG recommendations and associated actions. On December 20, 2021, the DoD reissued DoDI 1325.06, Incorporating Change 2, and retitled the Instruction, "Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces." The updated DoDI establishes DoD policy, assigns responsibilities, and provides procedures to the MILDEPs for handling protest, extremist, and criminal gang activities by members of the Armed Forces.

¹¹ Secretary of Defense Memorandum for Senior Pentagon Leadership, Commanders of the Combatant Commands, and Defense Agency and DoD Field Activity Directors, "Immediate Actions to Counter Extremism in the Department and the Establishment of the Countering Extremism Working Group," April 9, 2021.

¹² Secretary of Defense Report, "Report on Countering Extremist Activity Within the Department of Defense," December 20, 2021.

In the Instruction, the Secretary assigned the Under Secretary of Defense for Personnel and Readiness the responsibility for developing overall policy and guidelines for handling protest, extremist, and criminal gang activities among members of the Armed Forces, and approving the MILDEP policies and procedures developed to implement the Instruction. The MILDEP Secretaries are responsible for establishing policies and procedures, including updating punitive regulations where necessary, to implement the Instruction within their respective Departments. In addition, the Secretary directed the MILDEPs to comply with the training requirements established in the Instruction.

The DoD revised DoDI 1325.06 to more clearly define extremist activities and ensure that both DoD Service members and commanders could easily understand extremist activities policy. Additional revisions included:

- illustrations of extremist activities that DoD personnel are prohibited from engaging in,
- identification of command authority and responsibilities, and
- descriptions of criminal gang activities that the DoD prohibits personnel from engaging in.

In addition, Section 554 requires the Secretary of Defense to ensure that all allegations and related information that a Service member has engaged in a prohibited activity are referred to the DoD OIG.¹³ To implement this requirement, the Deputy Secretary of Defense published, “Reporting Allegations of Active Participation in Extremist and Criminal Gang Activities to the DoD Office of Inspector General,” July 27, 2022. This memorandum directs the MILDEP Secretaries to submit their proposed policies to OUSD(P&R) for review and approval before they are issued and become effective. These policies will outline procedures required by each Service to ensure the reporting of required data in a timely manner to the DoD OIG.

Also, in August 2022, the DoD published DoDI 5400.17, “Official Use of Social Media for Public Affairs Purposes,” August 12, 2022. This Instruction provides guidance on personal social media use by DoD personnel. It states that the DoD prohibits personnel from engaging in political activity using either an official DoD social media account or a personal social media account, while in the Federal workplace or on duty, even while teleworking. Additionally, it acknowledges that DoDI 1325.06 prohibits military personnel from actively participating in extremist activities, which includes activities occurring on social media. Finally, the policy requires all DoD personnel to always follow the terms of service outlined by the social media platform and applicable DoD discrimination, harassment, and extremism policies.

¹³ Section 554 defines the term “covered Armed Force” as an Armed Force under the jurisdiction of the Secretary of a MILDEP.

Military Departments' Updated Policies and Procedures

As a result of OUSD(P&R) updating DoDI 1325.06 and the Deputy Secretary issuing the July 27, 2022 memorandum, the MILDEPs have initiated actions to update prohibited activity policies and procedures from October 1, 2021, through September 30, 2022. Table 1 highlights the MILDEP and Service-level initiatives related to prohibited activity.

Table 1. Summary of Military Department Initiatives Related to Prohibited Activity

Military Department Initiatives Regarding Prohibited Activity	
Department of the Army	<ul style="list-style-type: none"> The Army Counter-Insider Threat Program began the revision and staffing of Army Directive 2013-18, "Army Insider Threat Program," which establishes the Army policy for the counter-insider threat mission to detect, deter, and mitigate the threat that an insider may present to the Army. Publication of the updated Army Directive is expected by 1st Quarter FY 2024.
Department of the Navy	<ul style="list-style-type: none"> The Navy has established that numerous sources can initiate preliminary investigations. If a criminal nexus exists, the Naval Criminal Investigative Service will conduct a full criminal investigation. If a criminal nexus does not exist, the Naval Criminal Investigative Service will forward the case to the Department of the Navy Insider Threat Hub and Navy and Marine Corps commands for actions deemed appropriate. Both the Navy and the Marine Corps updated their accessions screening forms to comply with the December 24, 2021 Assistant Secretary of Defense for Manpower and Reserve Affairs' Accession Policy memorandum, "Standardization of Accession Screening Questionnaires." The screening forms collect data pertaining to a recruit's participation in questionable behavior and their possession of any tattoo, body art, or brand.
Department of the Air Force	<ul style="list-style-type: none"> The Air Force is updating Air Force Instruction 90-301, "Inspector General Complaints Resolution," December 28, 2018 (Incorporating Change 1, September 30, 2020), to include guidance on identifying, marking for tracking purposes, and appropriately routing for proper resolution all complaints alleging any supremacist, extremist, and criminal gang activities. The Air Force Inspector General established that prohibited activities case files entered into the Automated Case Tracking System will be marked with a "special interest category" of "extremist, supremacist, and criminal gang activities."
National Guard Bureau	<ul style="list-style-type: none"> The Chief, National Guard Bureau extended DoDI 1325.06 to non-federalized National Guard organizations in the states, territories, and District of Columbia through the publication of Chief National Guard Bureau Instruction 2500.00, "National Guard Bureau Insider Threat Program," July 18, 2018. The National Guard Bureau is developing policy and mechanisms in response to FY 2021 National Defense Authorization Act directives.

Source: MILDEP and National Guard Bureau responses to DoD OIG Request for Information, October 11, 2022.

In September 2022, the DoD OIG met with the Military Service Inspectors General to discuss how the MILDEPs will collect and report their prohibited activity data to the DoD OIG. All personally identifiable information must be removed from the Services' prohibited activity data before submission to the DoD OIG. The DoD OIG will use the Defense Case Activity Tracking System Enterprise (D-CATSe), to track MILDEP prohibited activity allegations. D-CATSe 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. The DoD OIG will use D-CATSe to collect, track, and report allegations of prohibited activity.

After the OUSD(P&R) approves the MILDEPs' implementation policies related to compiling and reporting prohibited activities data, the Military Service Inspectors General will submit information received from their respective Services to the DoD OIG, as directed by the Deputy Secretary. 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 to: (1) a military criminal investigative organization, (2) an Inspector General, (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 the final report of any such investigation or inquiry to a military commander or other appropriate authority for action for each allegation;
- the final determination of whether any allegation was substantiated; and
- any resulting action taken against a Service member (including 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.

FY 2022 Prohibited Activity Data as Reported by the Military Departments

To collect information for this report, we asked the MILDEPs to provide us with data regarding allegations, referrals, investigations, inquiries, and actions taken involving members of the Armed Forces who engaged in prohibited activities for the period of October 1, 2021, through September 30, 2022. The Department of Army, the Department of the Navy, and the Department of the Air Force submitted data to the DoD OIG for this report.¹⁴ The Coast Guard did not submit data for this report.¹⁵

Table 2 reflects the data submitted by the MILDEPs and provides a summary of DoD prohibited activity data for the reporting period. The MILDEPs stated that the data reported accounts for all allegations, referrals, investigations, inquiries, and actions taken involving members of the Armed Forces who engaged in prohibited activities during this time. Overall, the MILDEPs reported 211 allegations; 183 referrals, investigations, and inquiries; 48 instances where Service members were subject to action; 46 instances where Service members were not subject to action; and 112 referrals to civilian law enforcement agencies.

¹⁴ The Department of the Army reported consolidated data for the Army and the Army National Guard. The Department of the Air Force reported consolidated data from the Air Force, Space Force, and Air National Guard. National Guard data are only included when the National Guard Service member is serving on Title 10 orders. The Department of the Navy reported consolidated data for the Navy and the Marine Corps.

¹⁵ The Coast Guard is a component of the Department of Homeland Security and not covered by Section 554, which applies to the Military Departments (as defined in 10 U.S.C. § 101).

In compiling the data, we identified that the Department of the Army and the Department of the Air Force used standardized terminology from the Federal Bureau of Investigation and the Department of Homeland Security to report their allegation categories.¹⁶ However, the Department of the Navy did not use these standardized allegation categories. This provides an example of the differences in reporting between the MILDEPs.

Additionally, the MILDEPs reported challenges with compiling and validating data. For example, the Department of the Army stated that its current use of several separate databases made it difficult to track total allegations if the allegation did not have a follow-on status of investigation, inquiry, or referral. Therefore, the Army’s total allegation data does not reflect its total number of allegations, just the total number of allegations with a follow-on status. Additionally, one MILDEP met with internal agencies to remove duplicate reporting and another MILDEP had to coordinate multiple times with internal agencies to receive complete data. We did not independently verify the reliability of the data received from each MILDEP.

Table 2. Summary of DoD Prohibited Activity Information

Reported Category	Dept of the Army	Dept of the Air Force	Dept of the Navy			DoD Totals ¹
			Navy	Marine Corps	DON Total	
Section 1: Allegations						
Supremacist	NR	2	3	7	10	12
Extremist ²	73	24	23	14	37	134
<i>Anti-government/anti-authority extremism</i>	33	5	NR	NR	NR	38
<i>Racially motivated violent extremism</i>	27	12	NR	NR	NR	39
<i>International Terrorism</i>	13	NR	NR	NR	NR	13
<i>Not categorized</i>	NR	7	NR	NR	NR	7
Criminal Gang	54	NR	4	7	11	65
Total Allegations	127	26	30	28	58	211
Section 2: Referrals, investigations and inquiries						
Military criminal investigative organization	71	1	7	1	8	80
INSPECTOR General	NR	5	2	NR	2	7
Military police or security police organization	6	3	NR	NR	NR	9
MILITARY Commander	4	5	14	19	33	42
Other DoD organization or official	33	NR	NR	NR	NR	33
Civilian law enforcement organization or official	12	NR	NR	NR	NR	12
Total referrals, investigations, and inquiries	126	14	23	20	43	183

¹⁶ In the FY 2020 National Defense Authorization Act, Congress directed the Department of Homeland Security and the Federal Bureau of Investigation to consult with the Director of National Intelligence to develop standard terminology related to domestic terrorism. In November 2020, the Department of Homeland Security and the Federal Bureau of Investigation published a document detailing the standard terminology and definitions related to domestic terrorism. Department of Homeland Security and Department of Justice, Federal Bureau of Investigation report, “Domestic Terrorism: Definitions, Terminology, and Methodology,” November 2020.

Table 2. Summary of DoD Prohibited Activity Information (cont'd)

Reported Category	Dept of the Army	Dept of the Air Force	Dept of the Navy			DoD Totals ¹
			Navy	Marine Corps	DON Total	
Section 3: Subject to action						
Court-Martial	3	NR	1	NR	1	4
Other criminal prosecution	3	NR	NR	NR	NR	3
Non-judicial punishment under the Uniform Code of Military Justice, Article 15	3	1	2	NR	2	6
Administrative corrective action	28	NR	5	2	7	35
Total subject to action	37	1	8	2	10	48
Section 4: Not subject to action						
No command action	25	NR	1	NR	1	26
Cleared by investigation/unfounded	16	NR	NR	1	1	17
Allegation not credible	3	NR	NR	NR	NR	3
Total not subject to action	44	NR	1	1	2	46
Section 5: Referred to CIV LEA						
CIV LEA	72	NR	NR	NR	NR	72
Joint Federal/CIV LEA	40	NR	NR	NR	NR	40
Total referrals to CIV LEA	112	NR	NR	NR	NR	112

Legend

DON Department of the Navy
 CIV LEA Civilian law enforcement agency
 NR Not Reported

¹ We calculated the DoD total by adding the number in the Department of the Army, the Department of the Navy, and the Department of the Air Force fields for the selected row.

² The Department of Homeland Security and the Federal Bureau of Investigation divide domestic terrorism threats into five categories. For this report, the two most relevant categories are anti-government/anti-authority extremism and racially motivated violent extremism. Anti-government/anti-authority extremism is the potentially unlawful use or threat of force or violence to further ideological agendas, derived from anti-government or anti-authority sentiment, including opposition to perceived economic, social, or racial hierarchies, or perceived government overreach, negligence, or illegitimacy. Racially motivated violent extremism is the potentially unlawful use or threat of force or violence to further ideological agendas derived from bias, often related to race or ethnicity, held by the actor against others or a given population group.

Source: The Inspectors General for the Army, Navy, Air Force, and Marine Corps.

Conclusion

The DoD has made progress in establishing policies, programs, and systems related to diversity and inclusion and prevention of prohibited activities within the DoD. Additionally, the DoD's revision of DoDI 1325.06 established standardized policies, processes, and mechanisms to prevent participation in prohibited activities by members of the Armed Forces. The Deputy Secretary of Defense's 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 fulfill Section 554 reporting requirements. However, in compiling this report, we identified that while the DoD established policies and processes, the terminology for allegation categories is inconsistent across the Services. Until the DoD establishes standardized policy pertaining to allegation terminology and uses a centralized database for allegation reporting and tracking, the DoD will have inconsistent tracking of prohibited activities participation; problems identifying and collecting data from multiple, decentralized systems; and difficulty validating the accuracy of reported data.

Appendix

DoD OIG Diversity, Equity, Inclusion, and Accessibility and Sexual Harassment and Sexual Assault Reports

The table below lists the DoD OIG’s Diversity, Equity, Inclusion, and Accessibility (DEIA) reports, as well as Sexual Harassment and Sexual Assault reports from September 2014 through September 2022

DoD OIG Reports	
DEIA-Related Reports	<ul style="list-style-type: none"> • DODIG-2022-144, “Evaluation of the DoD’s Implementation of the Military Leadership Diversity Commission’s 2011 Report Recommendations and the DoD Diversity and Inclusion Strategic Plan for 2012 to 2017,” September 30, 2022 • DODIG-2022-099, “Management Advisory: The Military Health System Data Repository Contained Noncompliant Race Coding Values and Categories,” May 24, 2022 • DODIG-2022-095, “Evaluation of Department of Defense Efforts to Address Ideological Extremism Within the Armed Forces,” May 10, 2022 • DODIG-2022-042, “Department of Defense Progress on Implementing Fiscal Year 2021 NDAA Section 554 Requirements Involving Prohibited Activities of Covered Armed Forces,” December 1, 2021 • “The Department of Defense Office of Inspector General’s Report to Congress Pursuant to Section 554 of the Fiscal Year 2021 National Defense Authorization Act,” June 10, 2021 • DODIG-2021-044, “Evaluation of Department of Defense Compliance With Executive Order 13950, ‘Combating Race and Sex Stereotyping,’” December 31, 2020 • DODIG-2020-063, “Audit of DoD Service-Disabled Veteran-Owned Small Business Contract Awards,” February 18, 2020
Sexual Harassment and Sexual Assault Related Reports	<ul style="list-style-type: none"> • DODIG-2022-100, “Report of Investigation: Mr. James M. Branham, Former Chief Operating Officer, Armed Forces Retirement Home,” June 8, 2022 • DODIG-2022-035, “Evaluation of Special Victim Investigation and Prosecution Capability Within the Department of Defense,” November 10, 2021 • DODIG-2021-085, “Evaluation of the Department of Defense’s Handling of Incidents of Sexual Assault Against (or Involving) Midshipmen at the U.S. Naval Academy,” May 17, 2021 • DODIG-2021-061, “Report of Investigation: Mr. Ronnie J. Booth, Former Auditor General of the Navy, and Mr. Thomas B. Modly, Former Acting Secretary of the Navy,” March 24, 2021 • DODIG-2020-127, “Evaluation of the Department of Defense and Department of Defense Education Activity Responses to Incidents of Serious Juvenile-on-Juvenile Misconduct on Military Installations,” September 4, 2020 • “Investigative Summary: Substantiated Findings of Misconduct by a Former DoD Senior Official for Sexually Harassing Subordinate Employees,” August 17, 2020 • DODIG-2020-073, “Evaluation of the Department of Defense’s Handling of Incidents of Sexual Assault (or Involving) Cadets at the U.S. Military Academy,” March 26, 2020 • DODIG-2020-038, “Report of Investigation: Mr. Guy B. Roberts, Senior Executive Service Assistant Secretary of Defense, Nuclear, Chemical, Biological Defense Programs,” December 10, 2019

DoD OIG Reports (cont'd)

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