

COLLECTING DATA ON RACE, ETHNICITY, AND GENDER IN COURT-MARTIAL CASES

This Sidebar announces a new requirement: Beginning 17 June 2020, Region Legal Service Offices (RLSOs) and Legal Support Service Sections (LSSS) are required to record in the electronic case management system (CMS) certain demographic data for the accused and victims in court-martial cases.

Background. In accordance with Section 540I(b)(1) of the National Defense Authorization Act (NDAA) for Fiscal Year 2020, the Secretary of Defense has mandated the Military Departments record certain demographic information concerning accused and victims in court-martial cases beginning **17 June 2020**.

Requirement. In order to ensure each of the Military Departments are collecting the same data, the following standard definitions must be used for each of the required fields:

For Race:

- American Indian/Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Other
 - Use this definition for individuals that associate with multiple races or a race not listed. Provide the race/races or “race not listed” in the corresponding text field.
- Victim declined to provide

For Ethnicity:

- Hispanic or Latino
- Not Hispanic or Latino
- Victim declined to provide

For Gender:

- Male
- Female
- Victim declined to provide

Starting 17 June 2020, NCIS will ensure the race, ethnicity, and gender for both the accused and victim is included in the relevant Report of Investigation (ROI). NCIS will provide these ROIs to the applicable RLSO or LSSS. The RLSO and LSSS are responsible for inputting this data into CMS and ensuring its accuracy.

For cases not within NCIS purview, the cognizant RLSO or LSSS will obtain this data from service specific personnel systems such as the Navy Standard Integrated Personnel System (NSIPS) or the Marine Corps Total Force System (MCTFS). If the victim is a civilian, the cognizant RLSO or LSSS will request this information from the civilian victim or legal representative. A victim is under no obligation to provide this information. If they decline, please indicate “victim declined to provide” in the applicable CMS fields.

For cases already in CMS, the RLSOs and LSSSs will input the required data ONLY for cases where a court-martial is completed on or after 17 June 2020.

Data on race, gender, and ethnicity will be included in the annual Article 146(a) report on military justice.

This Sidebar and support references have been posted to Code 20's page on the JAG Portal at: <https://portal.secnav.navy.mil/orgs/JAG/20/SitePages/Home.aspx>

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