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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

**SUBJECT: Revised Uniform Standards and Criteria Required by Article 140a,
Uniform Code of Military Justice**

Pursuant to Article 140a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 940a, and Department of Defense (DoD) Directive 5145.01, "General Counsel of the Department of Defense (GC DoD)," paragraph 3.j (as amended Dec. 2, 2013), I issue the attached, revised Military Justice Case Management, Data Collection, and Accessibility Standards. The standards issued on January 17, 2023 are canceled effective the date on which full compliance with paragraph 1 of this memorandum is reached.

The revised standards are effective immediately, with the following caveats:

1. The Military Departments and Services will reach full compliance with the revisions made to paragraph IV.D no later than 180 days from the date of issuance. The revisions to paragraph IV.D are prospective, applying to only materials produced after full compliance is reached.

2. The Military Departments and Services will reach full compliance with the 2024 Office of Management and Budget Statistical Policy Directive No. 15 (SPD 15), Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, as described in paragraph II.B, no later than March 28, 2029. This requirement is prospective, applying to only materials produced after full compliance is reached. Until a Military Department or Service reaches compliance with the 2024 SPD 15, it may continue to use the 1997 SPD 15 definitions of race and ethnicity. Each Military Department's and Service's military justice case processing and management systems will reach compliance with the 2024 SPD 15 as soon as practicable, recognizing that it may not be practicable to reach compliance until other Department or Service databases reach compliance.

3. The Secretaries of the Military Departments will issue revised interim regulations as prescribed by the revised standards no later than 180 days from date of issuance. Pending the issuance of those revised regulations, the Military Departments and Services should continue to make the filings and records identified by paragraph IV.F.1.a, b, and c of the Article 140a

standards as promulgated on January 17, 2023 (2023 Article 140a Standards) available upon receipt of a request or on their own initiative, in accordance with paragraph IV.F.2 and 3 of the 2023 Article 140a Standards.



Caroline Krass

Attachment:

As stated

cc:

Judge Advocates General of the Military Departments

Staff Judge Advocate to the Commandant of the Marine Corps

Judge Advocate General of the Coast Guard

Military Justice Case Management, Data Collection, and Accessibility Standards

I. Case Management System

A. Each Military Service will maintain and operate a military justice case processing and management system. Each system will track every military justice case within that Military Service until final disposition within the military justice system. Each military justice case processing and management system will maintain all data collected in accordance with National Archives and Records Administration–approved records management schedules to ensure complete and accurate reporting unless the standards outlined in this document provide for record retention requirements that extend beyond those required by National Archives and Records Administration–approved records management schedules, in which case the Military Services will comply with these more expansive standards. Each Military Service must ensure that the data entered into and maintained by the system throughout the military justice process is complete and accurate.

B. Two or more Military Services may operate a military justice case processing and management system in conjunction with each other.

II. Collection and Analysis of Data Concerning Substantive Offenses and Procedural Matters

A. Each military justice case processing and management system will be capable of collecting information in accordance with the Data Points and Uniform Definitions set out in Appendix A.

B. Each Military Service is responsible for implementing standards to ensure data entry is complete and accurate. To ensure the collection of uniform data concerning the categorization of offenses across the Military Services, each case processing and management system will identify criminal offenses by the appropriate National Incident-Based Reporting System (NIBRS) Codes. To ensure the collection of uniform data concerning race and ethnicity, the definitions of race and ethnicity as established by the Office of Management and Budget Statistical Policy Directive No. 15 (OMB 15), Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, will be applied by each military justice case processing and management system. A Military Service may elect to have its military justice case processing and management system capture expanded ethnic or racial categories; however, for reporting purposes, expanded categories will aggregate into those established by OMB 15.

III. Distribution of Recordings of Open Court-Martial Sessions, Evidence, and Records of Trial Within the Military Justice System

A. In accordance with Rule for Courts-Martial (RCM) 1106, a request by the accused for a copy of the recording of all open sessions of the court-martial and copies of or access to the evidence admitted at the court-martial will be submitted to the trial counsel. All copies of those recordings and/or exhibits that are eligible for review by the accused will be made available to the accused and/or defense counsel as soon as practicable after a valid request is received and processed in compliance with the Privacy Act and other applicable statutes.

B. In accordance with RCM 1106A, a request by a victim for a copy of the recording of all open sessions of the court-martial and copies of or access to the evidence admitted at the court-martial will be submitted to the trial counsel. All copies of the recordings and/or exhibits that are eligible for review by the victim will be made available to the victim and/or the victim's counsel as soon as practicable after a valid request is received and processed in compliance with the Privacy Act and other applicable statutes.

C. The accused and any victim as defined in RCM 1112(e) will be notified of the opportunity to obtain a copy of the certified record of trial within 10 days of the certification. Each Military Service will implement procedures to ensure adequate notification is provided. Each Military Service will also implement procedures to ensure that copies of certified records released to accused or victims do not contain any sealed exhibits, classified information, or information from closed court sessions.

IV. Public Access to Preliminary Hearing Schedule, Military Justice Docket Information, Filings, Trial-Level Court Documents, and Appellate Documents

A. Public access to preliminary hearing schedules, military justice docket information, filings, trial-level court documents, and appellate documents should follow the best practices of Federal and State courts, to the extent practicable. Information will be made available to the public to the maximum extent possible, taking into account the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. § 552a; the provisions of Article 140a(b) of the Uniform Code of Military Justice, 10 U.S.C. § 940a(b), concerning protection of personally identifiable information of minors and victims of crime (including victims of sexual assault and domestic violence); the need to protect certain sensitive Executive Branch information; and the significant resources associated with reviewing and redacting certain categories of documents or information.

B. For the purposes of Part IV of these standards, the following definitions apply across all Military Services:

1. "Preliminary Hearing Schedule" includes information concerning each matter for which an Article 32 preliminary hearing is held. The schedule will include the name of the accused, a list of the preferred charges, and the date and location of the scheduled Article 32 preliminary hearing.

2. "Docket" includes information concerning each case docketed with the trial or appellate courts of each Military Service.

a. The trial court docket includes the name of the case, a list of the charges referred to a court-martial, the forum (*e.g.*, general court-martial or special court-martial), the date and location of the hearing, the type of hearing, the name of the military judge presiding over the hearing, and the name of the counsel assigned to the case. The names of the military judge presiding over the hearing and the counsel assigned to the case will be updated and made accessible to the public at a reasonable time following the hearing, to the extent necessary.

b. The appellate court docket includes the name of the case, the panel to which the case is assigned, and the date, time, and location of any scheduled oral argument.

3. “Filings” consist of all pleadings, notices, petitions, and requests submitted to a trial court, military judge, or a military magistrate designated under Article 19 or Article 30a. “Filings” do not include any evidence or matters submitted in support of any pleading, notice, petition, request, or any materials ordered sealed by a Military Judge or Article 32 Preliminary Hearing Officer.

4. “Trial-level court documents” consist of the charge sheet, convening order(s), court rulings, court-martial result, action by the convening authority pursuant to RCM 1109 or RCM 1110, and entry of judgment.

a. The term “court-martial result” includes the name of the accused; the forum and location of trial; the date the trial was completed; the charges; the findings, including, if applicable, a statement that the trial resulted in findings of not guilty with respect to all charged offenses; and the sentence adjudged if the accused was found guilty of at least one offense.

b. The term “trial-level court documents” does not include the Article 32 preliminary hearing report, other filings made during the Article 32 preliminary hearing, a recording of any preliminary hearing or court session, exhibits (unless otherwise publicly accessible), or transcripts of any preliminary or trial court proceeding, to the extent such transcripts exist.

5. “Appellate documents” consist of pleadings, notices, petitions, and requests submitted to a Court of Criminal Appeals; an audio recording of an oral argument before a Court of Criminal Appeals; and orders and opinions of a Court of Criminal Appeals.

6. “Secretary concerned” is defined consistent with 10 U.S.C. § 101(9) to mean:

a. The Secretary of the Army, with respect to matters concerning the Army;

b. The Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy;

c. The Secretary of the Air Force, with respect to matters concerning the Air Force and the Space Force; and

d. The Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.

C. Procedures, Standards, and Training.

1. With respect to the creation, maintenance, use, and dissemination of covered records at any stage of the proceedings, the Military Services must comply with the Privacy Act and

other applicable laws and regulations related to the protection of personal, governmental, and classified information or otherwise sealed materials.

2. Each Secretary concerned will implement standards and procedures to ensure all publicly accessible preliminary hearing schedules, dockets, filings, trial-level court documents, and appellate documents are redacted to conform with the requirements of paragraph IV.C.1 of these standards and Appendix B.

3. Each Secretary concerned will prescribe standards for training the individuals responsible for making redactions to ensure compliance with paragraph IV.C.1 of these standards and Appendix B.

4. Each Secretary concerned will prescribe standards to administer and maintain preliminary hearing schedules, dockets, filings, trial-level court documents, and appellate documents on a publicly accessible website for their respective judiciaries.

5. Each Court of Criminal Appeals will maintain its docket and appellate documents on a publicly accessible website.

6. Preliminary hearing schedules, filings, trial-level court documents, and appellate documents will be made publicly accessible pursuant to paragraphs IV.D and IV.E. Each Secretary concerned will prescribe standards for reconsideration of initial denials of requests to make any preliminary hearing schedule, docket, filing, trial-level court document, or appellate document publicly accessible.

7. These standards do not impose any requirement on the United States Court of Appeals for the Armed Forces.

D. Minimum standards for public access to preliminary hearing schedules, dockets, filings, trial-level court documents, and appellate documents.

1. Each Secretary concerned will provide for public access to preliminary hearing schedules, dockets, filings, trial-level court documents, and appellate documents in accordance with paragraph IV.C.1 of these standards on a publicly accessible website.

2. Absent extraordinary circumstances, preliminary hearing schedule information and docket information will be publicly accessible no later than 3 calendar days before an Article 32 preliminary hearing or trial proceeding is scheduled to be held and will be updated on an ongoing basis.

3. Absent extraordinary circumstances, the court-martial result will be made publicly accessible no later than 7 calendar days after the conclusion of a court-martial.

4. Absent extraordinary circumstances, an audio recording of an oral argument before a Court of Criminal Appeals will be made publicly accessible no later than 3 calendar days after conclusion of the hearing at which the Court of Criminal Appeals heard oral argument. An audio

recording of an oral argument that includes information subject to redaction will be made publicly accessible no later than the date of publication of the Court of Criminal Appeals' decision. As part of this requirement, the Military Services will provide a mechanism by which a written transcript may be viewed in conjunction with the audio recording or will make a written transcript available upon request.

5. Absent extraordinary circumstances, filings, trial-level court documents other than the court-martial result, and appellate documents other than an audio recording of an oral argument before a Court of Criminal Appeals will be publicly accessible no later than 45 calendar days after the certification of the record of trial (at the trial court level) or after the Court of Criminal Appeals issues its decision (at the appellate level). This requirement does not preclude a Military Service from making filings, trial-level court documents, or appellate documents publicly accessible earlier than the 45-day deadline.

E. Additional public access in specific instances.

1. In accordance with regulations prescribed by the Secretary concerned, the Military Services may, upon receipt of a request or on their own initiative, make publicly accessible:

- a. Filings, trial-level court documents, or appellate documents before the date required by these standards.
- b. Filings and trial-level court documents from courts-martial in which there were no findings of guilty.
- c. Items not made publicly accessible under paragraph IV.D (*e.g.*, an appellate exhibit list).

2. Public access to items pursuant to this paragraph must comply with the requirements of paragraph IV.C.1 of these standards. When deciding whether to provide public access to an item or set of items addressed by paragraph IV.E.1, and in furtherance of the fair administration of justice, the Military Services must balance the public interest in disclosure of the item(s) requested against the privacy interests of the accused, minors, and victims of crimes after appropriate redactions are made.

3. When evaluating the public interest in disclosure, non-exhaustive factors to consider include:

- a. Offenses involving property damage or loss greater than \$2 million;
- b. Offenses punishable by death with at least one aggravating factor as defined in RCM 1004;
- c. Offenses resulting in death;
- d. Grave breaches or serious crimes under the Law of Armed Conflict;

- e. A proceeding involving an accused who is:
 - i. A general or flag officer; or
 - ii. Serving in a command billet in the grade of E-9 or O-5 or above; or
- f. Other matters of potential high public interest, as determined under procedures established by the Secretary concerned.

4. Unsealed appellate documents will be made available prior to the date required by paragraph IV.E.5 upon receipt of a request and in accordance with regulations prescribed by the Secretary concerned.

5. The determination whether to make items publicly accessible under paragraph IV.E.1 should be made in an expeditious manner, and, if items are to be made publicly accessible, that should be done as expeditiously as practicable.

6. Items made publicly accessible under paragraph IV.E should be made available on a publicly accessible website. When items are posted, the determination authority will notify the requestor and, as appropriate, the accused, any victim or alleged victim, and counsel.

7. The Secretary concerned shall designate the authority responsible for making the determination regarding the public accessibility of those items addressed in paragraph IV.E of these standards.

8. Records not made publicly accessible pursuant to these standards may be requested under the Freedom of Information Act, 5 U.S.C. § 552. Such records include, but are not limited to, Article 32 preliminary hearing reports and transcripts of Article 32 preliminary hearings and trial proceedings, to the extent they exist.

V. Preservation of Court-Martial Records of Trial

General and special court-martial records of trial, or one copy thereof, will be preserved, without regard to the outcome of the proceeding concerned, in perpetuity. Regulations prescribed by the Secretary concerned will establish the duration of the availability of information and documents pursuant to Article 140a, UCMJ.

VI. Review of these Standards

The Joint Service Committee on Military Justice will conduct an annual review of these standards, including the appendices, and provide any recommended revisions to the General Counsel, through the Deputy General Counsel (Personnel and Health Policy), by December 31 of each year.

VII. Inapplicability to the Military Commission System

These standards do not apply to the military commission system under chapter 47A of title 10 of the United States Code.

VIII. No Cause of Action

Nothing in these standards is intended to, and these standards do not, provide a cause of action at law or in equity, or serve as a basis for a liability claim or complaint against the Federal Government, its officers, employees or agents, or any other individual or entity.

Appendix A
Data Points and Uniform Definitions for Collection by the Services

Data Point	Uniform Definition
<u>Basic Data (Subject/Accused)</u>	
1. Last name	n/a
2. First name	n/a
3. Middle initial	n/a
4. Pay grade	-E-1 -E-2 -E-3 -E-4 -E-5 -E-6 -E-7 -E-8 -E-9 -W-1 -W-2 -W-3 -W-4 -W-5 -O1E -O2E -O3E -O-1 -O-2 -O-3 -O-4 -O-5 -O-6 -O-7 -O-8 -O-9 -O-10 -Cadet -Midshipman -Civilian
5. SSN or DOD ID No.	#####
6. Date of birth	Format (MM/DD/YYYY)
7. Sex	-M -F
8. Ethnicity	-Hispanic or Latino -Not Hispanic or Latino
9. Race	-American Indian/Alaska Native -Asian -Black or African American -Native Hawaiian or Other Pacific Islander

Data Point	Uniform Definition
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	-White -Other
10. Branch of Service	-Army -Air Force -Space Force -Marine Corps -Navy -Coast Guard -Army National Guard -Air National Guard -USAR -USNR -USAFR -USMCR -USCGR -Other -N/A
11. Pay entry date/Pay date	Format (MM/DD/YYYY)
<u>Investigation</u>	
12. Investigating entity	-Chain of command -Military Criminal Investigative Organization -Military police -Civilian -Foreign -N/A
13. Investigation number	Service dependent
14. Date investigation opened	Format (MM/DD/YYYY)
15. Date of earliest offense	Format (MM/DD/YYYY)
16. Date earliest offense reported/discovered	Format (MM/DD/YYYY)
17. Offenses investigated related to the accused	NIBRS code (DODM 7730.47-M Volume 2)
<u>Victim of Sexual Assault & Domestic Violence</u>	
18. Does any charged offense involve a victim as defined by DoD Instruction 1030.02?	-Yes -No
19. Number of victims: [questions 20-XX, should be captured for each victim]	##
20. Identification of victim	Initials of first & last names
21. Sex of victim:	-M -F
22. Ethnicity of Victim	-Hispanic or Latino -Not Hispanic or Latino
23. Race of Victim	-American Indian/Alaska Native -Asian -Black or African American -Native Hawaiian or Other Pacific Islander

Data Point	Uniform Definition
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	-White -Other
24. Status of victim:	-Military -Military-spouse -Civilian-spouse -Civilian-dependent -Civilian-Department/Service employee -Civilian-non-Department/Service employee -Other -Unknown
25. Is victim a victim of domestic violence, in violation of Article 128b, Uniform Code of Military Justice?	-Yes -No
a. If "Yes," the victim's relation to the accused is:	-Current spouse -Former spouse -Person with whom the accused shares a child in common -Current intimate partner with whom the accused shares a common domicile -Former intimate partner with whom the accused shared a common domicile -Current dating partner -Former dating partner
26. VWAP notifications & elections (captured for each qualifying victim)	Date served and explained
a. DD Form 2701 – Initial Information for Victims and Witnesses of Crime	Format (MM/DD/YYYY)
b. DD Form 2702 – Court-Martial Information for Victims and Witnesses of Crime	Format (MM/DD/YYYY)
c. DD Form 2703 – Post-trial Information for Victims and Witnesses of Crime	Format (MM/DD/YYYY)
d. DD Form 2704 – Victim/Witness Certification and Election Concerning Prisoner Status	Format (MM/DD/YYYY)
e. Victim election to be notified under DD Form 2704	-Yes -No
f. DD Form 2704-1 – Victim Election of Post-trial and Appellate Rights	Format (MM/DD/YYYY)
g. Victim election to be notified under DD Form 2704-1	-Yes -No
27. Was the victim notified of the opportunity for SVC services?	-Yes -No -N/A
a. Has an SVC been provided?	-Yes -No, victim requested SVC

Data Point	Uniform Definition
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	-No, victim declined -No, victim did not respond -N/A
28. Did the victim request an expedited transfer?	-Yes -No -N/A
a. If "Yes," action on the expedited transfer:	-Approved -Disapproved
29. Was the victim advised, in accordance with Section 534(b), FY15 NDAA, of victim's right to submit a preference regarding exercise of civilian or military jurisdiction over offenses allegedly committed in the United States?	-Yes -No -N/A
a. Victim jurisdiction preference:	-Military -Civilian -N/A
Pretrial	
<i>Pretrial restraint/confinement</i>	
30. Has pretrial restraint/confinement of the accused been imposed?	-Yes -No
a. Type of pretrial restraint/confinement imposed:	-Conditions on liberty -Restriction in lieu of arrest -Arrest -Confinement
b. If "yes," date imposed:	Format (MM/DD/YYYY)
c. Date pretrial restrain/confinement terminated:	Format (MM/DD/YYYY)
<i>Referral of Charges</i>	
31. Earliest referral date	Format (MM/DD/YYYY)
32. Was there an additional referral?	-Yes -No
a. If "yes," date of referral:	Format (MM/DD/YYYY)
33. Offense(s) charged:	NIBRS code (See DODM 7730.47-M Volume 2)
34. Does any offense involve alcohol and/or illegal use of drugs by the accused?	-N/A -Alcohol only -Illegal use of drugs only -Alcohol AND illegal use of drugs
35. Does any offense involve alcohol and/or illegal use of drugs by a victim?	-N/A -Alcohol only -Illegal use of drugs only -Alcohol AND illegal use of drugs
36. Was a firearm utilized in the commission of an offense?	-Yes -No
<i>Pre-referral judicial proceedings (R.C.M.) 309</i>	
37. Was a pre-referral investigative subpoena requested? If yes, then	-Yes -No
a. Was the request granted?	-Yes

Data Point	Uniform Definition
	-No
b. Action by individual subject to subpoena:	-Comply -Seek relief/Other
c. Judge action on a request for relief:	-Ordered to comply -Modify -Quash subpoena
38. Was a pre-referral warrant or order for wire or electronic communications requested?	-Yes -No
a. Was request granted?	-Yes -No
b. Action by individual/service provider subject to warrant or order	-Comply -Seek relief/Other
c. Judge action on request for relief:	-Order to comply -Modify -Quash subpoena
<i>Action by Chain of Command</i>	
39. Action by commander not authorized to convene courts-martial (R.C.M. 402). If commander takes separate action on individual preferred specification, input must reflect data for each specification.	-N/A -Dismissed -Forwarded to superior commander for disposition -Imposition of nonjudicial punishment
a. Date of action	Format (MM/DD/YYYY)
40. Action by commander exercising summary court-martial jurisdiction (R.C.M. 403). If commander takes separate action on individual preferred specifications, input must reflect data for each specification.	-N/A -Dismissed -Dismissed and forwarded to subordinate commander for disposition -Forwarded to subordinate commander for disposition - Referred to summary court-martial -Preliminary hearing directed under R.C.M. 405 and Article 32 - Imposition of nonjudicial punishment
a. Date of action	Format (MM/DD/YYYY)
41. Action by commander exercising special court-martial jurisdiction (R.C.M. 404). If commander takes separate action on individual preferred specifications, input must reflect data for each specification.	-N/A -Dismissed -Dismissed and forwarded to subordinate commander for disposition -Forwarded to subordinate commander for disposition -Forwarded to superior commander for disposition -Referred to summary court-martial

Data Point	Uniform Definition
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	-Preliminary hearing directed under R.C.M. 405 and Article 32 -Referral to an Article 16(c)(2)(A) Special Court-Martial -Referral to Special Court-Martial -Imposition of nonjudicial punishment
42. Date of action:	Format (MM/DD/YYYY)
<i>Article 32 Preliminary Hearing (R.C.M. 405)</i>	
43. Was an Article 32 preliminary hearing ordered?	-Yes -No
44. Did appointing authority grant waiver of Article 32 preliminary hearing?	-Yes -No -N/A
a. Date appointing authority acted on waiver request:	Format (MM/DD/YYYY)
45. Date of Article 32 hearing:	-Format (MM/DD/YYYY) -N/A
46. Were all victims, as defined by R.C.M. 405(h)(1), provided notice of the preliminary hearing?	-Yes -No -N/A
47. Did any victim, as defined by R.C.M. 405(h)(1), testify at the Article 32 preliminary hearing?	-Yes -No -N/A
48. Did any victim file a petition for writ of mandamus with the Court of Criminal Appeals pursuant to Article 6b, UCMJ?	-Yes -No
49. Action by Court of Criminal Appeals:	-Relief Granted -Relief Denied
50. Date report submitted by Preliminary Hearing Officer (PHO):	Format (MM/DD/YYYY)
51. PHO determination of whether convening authority has jurisdiction over the accused:	-Yes -No
52. For each specification, PHO determination of the following:	
a. Is there a recommendation to modify the specification?	-Yes -No
b. Does the convening authority have jurisdiction over the offense?	-Yes -No
c. Does the specification allege an offense?	-Yes -No
d. Does probable cause exist to believe the accused committed the offense?	-Yes -No

Data Point	Uniform Definition
53. Did the PHO determine probable cause existed to believe the accused committed additional, uncharged offenses?	-Yes -No
a. If yes, provide offense(s)	NIBRS code
54. Recommendation as to disposition of the case:	-No action -Administrative action -Nonjudicial punishment -Referral to Summary Court-Martial -Referral to an Article 16(c)(2)(A) Special Court-Martial -Referral to Special Court-Martial -Referral to General Court-Martial
<i>SJA Pretrial Advice and Special Trial Counsel Determinations (R.C.M. 406)</i>	
55. Is Article 34, UCMJ, SJA advice or are Article 34(c) special trial counsel determinations required? If "yes," system must capture the following conclusions by the SJA or special trial counsel for each specification:	-Yes -No
a. Does the specification allege an offense under the UCMJ?	-Yes -No
b. Is there probable cause to believe the accused committed the offense?	-Yes -No
	-Yes -No
c. Would a court-martial have jurisdiction over the offense and the accused?	-Yes -No
	-Yes -No
56. SJA disposition recommendation	-No action -Dismiss charges and specifications -Administrative action -Nonjudicial punishment -Referral to court-martial
57. Date of Article 34, UCMJ, SJA advice or Article 34(c), UCMJ special trial counsel determinations.	Format (MM/DD/YYYY)
<i>Referral</i>	
58. Name of Command/GCMCA	Look up by Unit Identification Code
59. Charges and specifications referred by special trial counsel?	-Yes -No
60. Disposition of each charge and specification (R.C.M. 407)	-Dismissed -Dismissed and forwarded to subordinate commander for disposition -Forwarded to subordinate commander for disposition -Forwarded to superior commander for disposition -Referred to court-martial

Data Point	Uniform Definition
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	- Imposition of nonjudicial punishment
61. When referred to court-martial:	
a. Level of court-martial to which charges were referred:	Dropdown: -Summary Court-Martial -Article 16(c)(2)(A) Special Court-Martial -Special Court-Martial -General Court-Martial
b. If referral is to a Special Court-Martial by a convening authority, did the convening authority consult with a judge advocate, in accordance with R.C.M. 406(a)(2)?	-Yes -No
62. Was elevated review by the next higher GCMCA triggered? (A situation in which the SJA and GCMCA both concur that a sex-related offense, as defined by § 1744 of the FY 2014 NDAA and § 541 of the FY 2015 NDAA, should not be referred to trial)	-Yes -No
a. If yes, decision by reviewing GCMCA:	-Referred charges to court-martial -The decision of the subordinate GCMCA was upheld
b. Date of decision by reviewing GCMCA:	Format (MM/DD/YYYY)
63. Was elevated review by the Secretary of the Military Department/Commandant of the USCG triggered? (Either: 1. The SJA recommends referral and the GCMCA declines referral; OR 2. The SJA and GCMCA both concur with non-referral, but the Service Chief Prosecutor seeks Secretarial/Commandant of USCG review when the non-referral decision involves a sex-related offense, as defined by § 1744 of the FY 2014 NDAA and § 541 of the FY 2015 NDAA)	-Yes -No
a. Decision by Secretary of the Military Department/Commandant of the USCG:	-Referred charges to court-martial -The decision of the subordinate GCMCA was upheld
b. Date of decision by Secretary of the Military Department/Commandant of the USCG:	Format (MM/DD/YYYY)
<i>Plea Agreement (R.C.M. 705)</i>	
64. Is there a plea agreement?	-Yes -No
65. Date plea agreement approved:	Format (MM/DD/YYYY)
66. Does the plea agreement contain an offer to plead guilty? If yes, the following shall be answered for each charge and specification referred to court-martial	-Yes -No
a. Plea of the accused	-Plea of Guilty -Plea of Guilty to LIO or other offense -Plea of Not Guilty

Data Point	Uniform Definition
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	-Withdrawn and/or Dismissed
b. LIO or other offense– Article, UCMJ	NIBRS code
67. If applicable, was the victim, as defined by R.C.M. 705(e)(3)(B), provided the opportunity to submit views concerning the plea agreement?	-Yes -No -N/A
a. Did victim submit views concerning plea agreement?	-Yes -No
b. Date victim submitted views concerning plea agreement:	Format (MM/DD/YYYY)
68. Is there an agreed-upon composition for sentencing?	-Members -Judge -Magistrate judge -No forum agreed upon
69. Is there an agreement to refer to a particular forum?	-Summary Court-Martial - Article 16(c)(2)(A) Special Court-Martial -Special Court-Martial -None
<i>Enlisted Separation/Officer Resignation in Lieu of Court-Martial</i>	
70. Was a request for Separation/Resignation in Lieu of Court-Martial submitted?	-Yes -No
71. Was request approved?	-Yes -No
a. Date request approved/denied:	Format (MM/DD/YYYY)
72. Characterization of Service	Dropdown: -Honorable -General, Under Honorable Conditions -Other than Honorable
<i>Inquiry Into Mental Capacity/Mental Responsibility of the Accused (R.C.M. 706)</i>	
73. R.C.M. 706 inquiry requested?	-Yes -No
74. R.C.M. 706 inquiry request approved?	-Yes -No
a. Date R.C.M. 706 inquiry request approved/denied:	Format (MM/DD/YYYY)
75. R.C.M. 706 inquiry completed date:	Format (MM/DD/YYYY)
76. Determination of the R.C.M. 706 inquiry:	
a. As a result of the accused suffering from a severe mental disease or defect, was the accused unable to appreciate the nature and quality or wrongfulness of his or her conduct?	-Yes -No
b. As a result of a present mental disease or defect, is the accused unable to understand the nature of the proceedings against the accused or to conduct or cooperate intelligently with the defense?	-Yes -No

Data Point	Uniform Definition
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77. The court found the accused incompetent to stand trial pursuant to R.C.M. 909:	<ul style="list-style-type: none"> -Yes -No -N/A
<u>Trial</u>	
<i>Forum (R.C.M. 903)</i>	
78. Composition of the Court for merits phase:	<ul style="list-style-type: none"> -Members -Members with at least 1/3 enlisted representation at the accused's election -Officer members at the accused's election -Military judge alone -Magistrate judge alone
<i>Pleas (R.C.M. 910)</i>	
79. Plea(s) of the accused to each charge and specification:	<ul style="list-style-type: none"> -Guilty -Not guilty of an offense as charged, but guilty of a named lesser included offense (LIO) or other offense -Guilty with exceptions, with or without substitutions, not guilty of the exceptions, but guilty of the substitutions, if any -Not guilty
a. In the case of guilty of LIO or other offense:	NIBRS Code
<i>Findings (R.C.M. 918)</i>	
80. Prior to findings, whether the convening authority or special trial counsel caused any of the charges or specifications to be withdrawn and or dismissed. For each charge and specification, as applicable:	<ul style="list-style-type: none"> -Withdrawn -Withdrawn and dismissed
81. Mistrial (R.C.M. 915):	<ul style="list-style-type: none"> -Yes -No
a. If mistrial, date of mistrial:	Format (MM/DD/YYYY)
82. Finding as to each specification:	<ul style="list-style-type: none"> -Guilty -Not guilty of an offense as charged, but guilty of a named LIO or other offense -Guilty with exceptions, with or without substitutions, not guilty of the exceptions, but guilty of the substitutions, if any -Not guilty only by reason of lack of mental responsibility -Not guilty -Not guilty pursuant to R.C.M. 917 -Withdrawn and dismissed
83. In the case of guilty of LIO or other offense:	NIBRS code
84. Finding as to each charge:	-Guilty

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	<ul style="list-style-type: none"> -Not guilty, but guilty of violation of Article ____ -Not guilty only by reason of lack of mental responsibility -Not guilty
85. Date of Findings:	Format (MM/DD/YYYY)
<i>Sentence (if applicable)</i>	
86. Composition of court for sentencing phase:	<ul style="list-style-type: none"> -Members -Members with at least 1/3 enlisted representation at the accused's election -Officer members at the accused's election -Military judge alone -Magistrate judge alone
87. Did a crime victim of an offense of which the accused has been found guilty exercise his/her right to be heard at the presentencing (R.C.M. 1001(c)) relating to that offense? System must capture victim who exercised right.	<ul style="list-style-type: none"> -N/A -Yes -No
88. Date sentence adjudged:	Format (MM/DD/YYYY)
89. Sentence adjudged (if sentenced by military judge under the sentencing system enacted by the Military Justice Act of 2016 or based on the application of military sentencing parameters and criteria in accordance with Article 56, UCMJ, those parts of the sentence adjudging a fine or confinement, subparagraphs e. and h. below, must be included for each specification for which there was a finding of guilty). System must capture whether part of sentence was impacted by plea agreement.	
a. No punishment	-No punishment adjudged
b. Reprimand:	<ul style="list-style-type: none"> -None adjudged; -Adjudged
c. Reduction to the grade of:	<ul style="list-style-type: none"> -None adjudged -E-1 -E-2 -E-3 -E-4 -E-5 -E-6 -E-7 -E-8
d. Forfeitures:	<ul style="list-style-type: none"> -None adjudged -\$ #####.## per month for ## months
e. Fine:	<ul style="list-style-type: none"> -None adjudged -\$ #####.##
f. Restriction to specific limits:	-None adjudged

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	-## months -## days
g. Hard labor w/out confinement:	-None adjudged -## months -## days
h. Confinement:	-None adjudged -Life without eligibility for parole -Life -## years -## months -## days -FOR JUDGE ALONE: must include "To be served: consecutively or concurrently" if sentence is imposed for more than one specification
i. Punitive discharge:	-None adjudged -Bad-Conduct Discharge -Bad-Conduct Discharge (mandated) -Dishonorable Discharge -Dishonorable Discharge (mandated) -Dismissal -Dismissal (mandated)
j. Death	-Yes -No
90. Days of pretrial confinement credit:	-## days
91. Days of judicially ordered credit	-## days
92. Total days of credit	-## days
93. Did the military judge recommend a suspension of any portion of the sentence?	-Yes -No
94. Did the Government submit a request to the Judge Advocate General to appeal the sentence either because it violates the law or is plainly unreasonable (Article 56(d), UCMJ, and R.C.M 1117)?	-Yes -No
a. Did any victim, as defined in R.C.M. 1001, submit matters for consideration to the Judge Advocate General	-Yes -No
b. Action by the Judge Advocate General on the Government's request to appeal the sentence:	-Denied -Approved
c. Decision by the Court of Criminal Appeals on Government's appeal of sentence:	-Denied -Set aside and remanded, sentence as adjudged is unlawful -Set aside and remanded, sentence as adjudged is plainly unreasonable
<u>Post-trial</u>	
<i>Processing Related to Conviction and Sentence</i>	
95. Is DNA collection and submission required in accordance with DoDI 5505.14?	-Yes -No

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96. Is sex offender registration reporting required in accordance with DoDI 1325.07?	-Yes -No
97. Did this case involve a crime of domestic violence as defined in DoDI 6400.06?	-Yes -No
98. Does this case trigger a firearm possession prohibition in accordance with 18 U.S.C. § 922?	-Yes -No
99. Are fingerprint and criminal history record information collection and submission required in accordance with DoDI 5505.11?	-Yes -No
100. Date confinement ordered:	Format (MM/DD/YYYY)
101. Law enforcement agency notified of disposition for criminal indexing purposes:	-Yes -No
<i>Deferment and Waiver (R.C.M 1103)</i>	
102. Deferment:	-N/A -Deferment requested by accused, approved -Deferment requested by accused, denied -Deferment of confinement ordered without request from accused
103. Date of action on deferment:	Format (MM/DD/YYYY)
104. Did the convening authority waive automatic forfeitures by operation of Article 58(b), UCMJ?	-Yes -No
<i>Post-trial Motions and Proceedings (R.C.M. 1104)</i>	
105. Did any post-trial Article 39(a) sessions occur?	-Yes -No
106. Did any post-trial Article 39(a) session impact any part of the findings or sentence?	-Yes -No
<i>Post-trial Action by the Convening Authority</i>	
107. Was a copy of the recording of all open sessions of the court-martial and copies/access to admitted evidence at the court-martial and the appellate exhibits provided, upon request, to the accused or accused's counsel (R.C.M. 1106)?	-Yes -No
108. Accused action regarding submission of matters pursuant to R.C.M. 1106:	-Submitted -Expressly waived right to submit matters -Failed to submit matters
109. Was notice provided to all qualifying crime victims of their right to submit matters pursuant to R.C.M. 1106A (DD Form 2703)? Must capture by victim.	-N/A -Yes -No
110. Was a copy of the recording of all open sessions of the court-martial and copies/access to admitted evidence at the court-martial and the appellate exhibits provided, upon request, to any qualifying victim (R.C.M. 1106A)? System must capture each victim provided.	-Yes -No

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111. Were matters submitted by crime victims pursuant to R.C.M. 1106A? System must capture each victim who submitted matters.	-N/A -Yes -No
112. Was any portion of the sentence suspended or remitted by the convening authority prior to the entry of judgment (R.C.M. 1107)?	-Yes -No
a. If the convening authority suspended any portion of the sentence, was that suspension later vacated (R.C.M. 1108)?	-Yes -No
b. Were any victims of the underlying offense(s) for which the probationer received a suspended sentence, or any victim of the alleged offense that is the subject of the vacation hearing, provided notice of the vacation hearing?	-N/A -Yes -No
113. Did the convening authority take any action impacting a finding of guilty, pursuant to R.C.M. 1110?	-Yes -No
114. Did the convening authority take any action impacting a portion of the sentence, pursuant to R.C.M. 1109 and/or 1110?	-Yes -No
<i>Entry of Judgment (R.C.M. 1111)</i>	
115. Date of entry of judgment:	Format (MM/DD/YYYY)
116. Date copy of entry of judgment provided to accused:	Format (MM/DD/YYYY)
117. Was a copy of the entry of judgment provided to any crime victim or crime victim's counsel, upon request?	-N/A -Yes -No
<i>Preparation and Forwarding to Court of Criminal Appeals</i>	
118. Type of transcript prepared (R.C.M. 1114):	-Transcript not prepared -Verbatim -Summarized
119. Date record of trial certified as containing all required contents pursuant to R.C.M. 1112(b):	Format (MM/DD/YYYY)
120. Date copy of certified record of trial was provided to accused or counsel (R.C.M. 1112(e)):	Format (MM/DD/YYYY)
121. Date copy of certified record of trial was provided to victim, or counsel for the victim, of an offense of which the accused was charged if the victim testified during the proceedings (R.C.M. 1112(e)):	Format (MM/DD/YYYY)
122. Date copy of certified record of trial was provided to any victim, or counsel for any victim, named in a specification of which the accused was charged, upon request, without regard to the findings of the court-martial (R.C.M. 1112(e)):	Format (MM/DD/YYYY)
123. Date certified record of trial forwarded to appropriate reviewing authority:	Format (MM/DD/YYYY)
<i>Waiver or Withdrawal of Appellate Review (R.C.M. 1115)</i>	
124. Date waiver or withdrawal submitted by accused:	-N/A -Format (MM/DD/YYYY)

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125. Determination of review in cases in which the accused has waived or withdrawn appellate review (R.C.M. 1201):	
a. Whether the court had jurisdiction over the accused and the offense	-Yes -No
b. Whether each charge and specification stated an offense	-Yes -No
c. Whether the sentence was within the limits prescribed as a matter of law	-Yes -No
d. Date of review:	Format (MM/DD/YYYY)
<i>Review by the Judge Advocate General</i>	
126. For each certified record of trial received by the Judge Advocate General pursuant to R.C.M. 1201 and Article 69, UCMJ, the following determinations will be made:	
a. Whether the court had jurisdiction over the accused and the offense	-Yes -No
b. Whether each charge and specification stated an offense	-Yes -No
c. Whether the sentence was within the limits prescribed as a matter of law	-Yes -No
d. Whether the response contained any response to an allegation of error made in writing by the accused	-Yes -No
127. Was a remedy granted by the Judge Advocate General?	-Yes -No
128. Date accused notified of results of review conducted by the Judge Advocate General:	Format (MM/DD/YYYY)
a. Date application submitted for relief to the Judge Advocate General after final review (R.C.M. 1201(h))	-N/A - Format (MM/DD/YYYY)
129. Action by the Judge Advocate General upon an application for relief	-N/A -Relief granted -Relief denied
130. Was any remission or suspension of any unexecuted portion of any sentence by the Judge Advocate General pursuant to R.C.M. 1201(i) and Article 74, UCMJ?	-Yes -No
131. Date action taken by the Judge Advocate General under R.C.M. 1201(h) or (j) referred or submitted to or requested by the Court of Criminal Appeals (R.C.M. 1201(k)):	-N/A -Format (MM/DD/YYYY)
132. Action taken by the Court of Criminal Appeals upon such a referral or submission:	-Affirmed -Reversed
a. Date of action by the Court of Criminal Appeals:	Format (MM/DD/YYYY)
<i>Review by Court of Criminal Appeals (R.C.M. 1203)</i>	
133. Court of Criminal Appeals determined accused lacks mental capacity to understand and to conduct or cooperate intelligently in the appellate proceedings:	-Yes -No

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134. Action on findings of guilty, by charge and its specification(s)	-Affirmed -Affirmed in part, remanded -Affirmed in part, dismissed -Reversed
135. Action on sentence	-Affirmed -Affirmed in part, remanded -Affirmed in part, reassessed -Set aside, remanded -Set aside, reassessed
136. Date of opinion of the Criminal Court of Appeals	Format (MM/DD/YYYY)
137. Date accused notified of opinion of the Criminal Court of Appeals	Format (MM/DD/YYYY)
138. Decision of the Criminal Court of Appeals upon a request for reconsideration	-N/A -Denied -Granted
139. Decision upon reconsideration:	-N/A -Relief denied -Relief granted
140. Date of certification by the Judge Advocate General to the Court of Appeals for the Armed Forces (C.A.A.F.):	-N/A -Format (MM/DD/YYYY)
141. Date of petition by accused to C.A.A.F.:	-N/A -Format (MM/DD/YYYY)
142. Date record of trial forwarded to C.A.A.F.:	-N/A -Format (MM/DD/YYYY)
<i>Review by the Court of Appeals for the Armed Forces (R.C.M. 1204)</i>	
143. Action on petition by the accused for review:	-Dismissed -Denied -Granted
144. Date of action on petition:	Format (MM/DD/YYYY)
145. Opinion of the Court of Appeals for the Armed Forces (C.A.A.F.) regarding findings and sentence:	-Affirmed -Affirmed in part, remanded -Affirmed in part, dismissed -Reversed
146. Date of opinion of C.A.A.F.	Format (MM/DD/YYYY)
147. Decision of C.A.A.F. upon a request for reconsideration	-N/A -Denied -Granted
a. Date of decision on request for reconsideration	Format (MM/DD/YYYY)
148. Decision of C.A.A.F. upon reconsideration	-Relief denied -Relief granted
a. Date of reconsideration decision:	Format (MM/DD/YYYY)
<i>Review by the Supreme Court of the United States (R.C.M. 1205)</i>	
149. Date petition for writ of certiorari filed:	-N/A -Format (MM/DD/YYYY)
150. Petition for writ of certiorari filed by:	-United States -Accused
151. Action on petition for writ of certiorari:	-N/A

Data Point	Uniform Definition
	-Dismissed -Denied -Granted
152. Date of action on petition for writ of certiorari	Format (MM/DD/YYYY)
153. If certiorari was granted, was the C.A.A.F. opinion summarily vacated and remanded?	-Yes -No
154. If certiorari was granted, was briefing ordered?	-Yes -No
155. If certiorari was granted, was oral argument held?	-Yes -No
156. If certiorari was granted, the outcome was:	-Dismissed as improvidently granted -Affirmed -Affirmed in part, reversed in part -Reversed -Other
<i>Action by the Secretary concerned</i>	
157. Upon final judgment involving the dismissal of a commissioned officer, cadet, or midshipman, action by the Secretary concerned or designee	-Approved and ordered executed -Substituted, for good cause, for an administrative form of discharge -Remitted -Suspended
a. Date of action on the dismissal	Format (DD/MM/YYYY)
<i>Action by the President of the United States</i>	
158. Action upon a sentence to death by the President	-Approved -Commutated to life without eligibility for parole -Commutated to life -Commutated to confinement for a term of years
a. Date of action by the President	Format (MM/DD/YYYY)

Appendix B: List of Information to be Redacted

Pursuant to paragraphs IV.C.1 and IV.C.2 of the Military Justice Case Management, Data Collection, and Accessibility Standards, each Secretary concerned shall implement standards and procedures to ensure redaction of the following information from items made publicly accessible pursuant to Article 140a, UCMJ:

1. Social security numbers.
2. Tax identification numbers.
3. Service-specific employee identification numbers and DoD identification numbers, including those embedded in digital signatures.
4. Home addresses.
5. Telephone numbers.
6. Email addresses.
7. Dates of birth.
8. Financial account numbers.
9. “Wet” (manual) signatures (only the signature, not the entire signature block).
10. Names of minors (completely redact or use court-approved pseudonyms or initials¹).
11. Names of crime victims (completely redact or use court-approved pseudonyms or initials²).
12. Names of law enforcement personnel.
13. All panel members’ names, including excused members, impaneled members, and alternate members. The rank of Service members must remain unredacted.
14. All court-martial support personnel names, including the court-reporter and bailiff. The rank of Service members must remain unredacted.
15. Information concerning a person’s medical or mental health condition, diagnosis, or treatment not admitted at trial.
16. Allegations of uncharged misconduct or wrongdoing by an uncharged third party unless admitted as evidence.

¹ When replacing with a pseudonym, the record must include a footnote or other notation on the first page indicating that the names of all minors have been replaced with pseudonyms.

² When replacing with a pseudonym, the record must include a footnote or other notation on the first page indicating that the names of all crime victims have been replaced with pseudonyms.

Appendix B: List of Information to be Redacted

17. Classified information;
18. Sensitive unclassified national defense information including, but not limited to, the following:
 - a. Technical data with military or space application as described in 10 U.S.C. § 130(a).
 - b. Confidential, sensitive information received from foreign governments as described in 10 U.S.C. § 130c.
 - c. Special nuclear weapons information.
 - d. Photographs of vital military and naval installations and equipment.
 - e. Intelligence sources and methods.
19. Information that could identify a confidential source or undercover law enforcement officer or operation.
20. Information that would reveal non-obvious law enforcement techniques and procedures or guidelines for law enforcement investigations or prosecutions.
21. Information considered privileged in civil litigation, including:
 - a. Deliberative Process Privilege/Judicial Privilege.
 - b. Attorney-Client Privilege.
 - c. Information Subject to the Attorney Work-Product Doctrine.
 - d. Government Trade Secret Privilege.
 - e. Safety Investigation Privilege.
 - f. Presidential Communications Privilege.