



DD FORM 3114, DEPARTMENT OF DEFENSE UNIFORM COMMAND DISPOSITION REPORT (UCDR)

Background

On 3 January 2022, the Undersecretary of Defense, Personnel and Readiness (USD (P&R)) implemented DD Form 3114, DoD Uniform Command Disposition Report (UCDR), pursuant to a requirement in section 535 of the FY19 NDAA for DoD to establish a uniform command action form, applicable across all the military services, for the purpose of recording the final dispositions of unrestricted reports of sexual assault. This Practice Advisory serves as interim guidance until USD (P&R) issues implementing guidance. Sexual Assault Initial Disposition Authorities (SA-IDA) are now required to use the UCDR to record the final disposition of unrestricted sexual assault reports. For the purpose of the UCDR, the term “sexual assault” includes a broad category of sex-related offenses. The Marine Corps requires submission of the UCDR for the following alleged offenses: any offense in violation of Articles 120 and 120b; forcible sodomy committed prior to 1 January 2019 in violation of Article 125; and attempts to commit any of the preceding offenses in violation of Article 80. The UCDR must be completed regardless of whether the unrestricted report is made under the Family Advocacy Program (FAP) or Sexual Assault Prevention and Response (SAPR) program. SA-IDAs are no longer permitted to use the NAVMC 1752, USMC Sexual Assault Disposition Report (SADR). SA-IDAs will not comment on or record information concerning restricted reports of sexual assault.

The UCDR contains data requirements beyond those required by the SADR. The cognizant Staff Judge Advocate (SJA) for the SA-IDA should review each completed UCDR to ensure all required information has been appropriately entered before submission to Judge Advocate Division at JAD_SADR@usmc.mil for processing.

Form Completion and Guidance

The below paragraphs provide section specific guidance related to the completion of the UCDR. Not every block of the UCDR is addressed below; therefore, SJAs should carefully review the form and accompanying instructions in full.

Section A: Case Administrative Information.

- In Block 1, enter the Investigative Case Number. Obtain the Investigative Case Number from the relevant Military Criminal Investigation Organization’s (USA CID, NCIS, AFOSI, or CGIS) Report of Investigation.
- In Block 2, enter the DSAID/FAP Case Number. Obtain the DSAID/FAP Case Number from the SARC or Victim Advocate. In a case with multiple victims, enter “Multiple” and list the DSAID/FAP Case Number and associated victim initials for each victim in the synopsis block (Block 66).
- In Block 3, select the appropriate Case Type (FAP or SAPR) to indicate whether the case was tracked in accordance with FAP or SAPR policy.

- In Block 5, enter the subject's name. If the subject is unknown, enter "Unknown." If there are multiple subjects, a separate UCDR must be completed for each subject. List companion subjects in Block 66.
- In Blocks 6 and 7, select the subject's grade and type. If the subject is either unknown or a non-DoD affiliated civilian, leave Blocks 6 and 7 blank. If the subject is a non-DoD affiliated civilian, so state in Block 66.
- In Blocks 8 and 15, select the subject's and victim's sex, respectively. Utilize only the sex reflected in the Defense Enrollment Eligibility Reporting System (DEERS) for service members or on government identification for civilians. If there are multiple victims of differing sexes, note each victim's sex in Block 66.
- In Blocks 9, 10, 18, and 19, select the subject's and victim's ethnicity and race, respectively. Utilize only the race and ethnicity reflected in DEERS for service members. The race and ethnicity of civilians will be obtained from the investigation or its accompanying materials. If not listed therein, select "Not Disclosed." Do not contact civilians for the purpose of obtaining this information. If there are multiple victims of differing ethnicities and races, note the ethnicity and race of each victim in Block 66.
- In Block 12, indicate whether the subject was placed in pretrial confinement. If "Yes," enter the date pretrial confinement began.
- In Block 13, indicate whether the subject has a prior substantiated sexual assault allegation. If "Yes," enter the location of the prior substantiated sexual assault (i.e., military installation name, ship name, or city/state, city/country).
- Block 20 is **only** completed if the unrestricted report concerned a sexual assault that occurred **in the United States**. In such cases, indicate whether the victim was notified of the right to express a preference for court-martial or civilian prosecution. If the victim was notified, enter the date of notification and the victim's preference. See JAGINST 5800.7G CH-1 (JAGMAN), section 0128, for information on the requirement to obtain the victim's preference for prosecution.

Section B: Initial Case Disposition Information.

- In Block 23, indicate whether there was probable cause to believe an offense under the UCMJ was committed, as determined by an SJA. Pursuant to DODI 5505.14, as implemented by LSAM Volume 16, law enforcement must consult with the convening authority's or installation SJA to make a probable cause determination for qualifying offenses before forwarding a DNA sample from the subject to the U.S. Army Criminal Investigation Laboratory for inclusion in the Combined Deoxyribonucleic Acid Index System. The result of this consultation should be reflected in the report of investigation. This may be used to complete Block 23. If probable cause does not exist for at least one offense, select a reason from the drop down menu in Block 24.
- In Block 25, indicate whether the SA-IDA initiated punitive or administrative action for sexual assault offenses, non-sexual assault offenses only, or took no action. In Block 26, select the type(s) of action initiated by the SA-IDA. If probable cause existed and the command took no action, the command may prepare a separate memorandum for the record describing the reason for this decision and upload a copy to the appropriate electronic case management system.
- In Block 27, enter the month and year the SA-IDA *decided* to initiate punitive or administrative action or to take no action.
- In Block 28, enter the month and year the court-martial, non-judicial punishment (NJP), administrative board, or other adverse action was completed. This may be different from the date of the decision entered in Block 27. If no action is taken, enter the same date as in Block 27.

Section C: Court-Martial Information.

- In Blocks 29 and 30, indicate what charges were preferred. Block 29 does not include an exhaustive list of sex-related offenses for which a UCDR must be completed in the Marine Corps. In particular, Article 120b offenses are not listed. If not listed in Block 29, identify the sex-related charges preferred in Block 66.
- In Blocks 33 and 34, select the convening authority's disposition decision and enter the date thereof.
- In Blocks 35–37, if charges are referred, list the charges referred, select the court-martial forum, and enter the date the court-martial concluded. The list of charges referred to court-martial may differ from the list of preferred charges in Blocks 29 and 30.
- In Block 38, select the result of the court-martial. If convicted of any offense, select "Conviction." If acquitted of all offenses, select "Acquittal." If the military judge dismissed all charges with prejudice, and that ruling was not successfully appealed, so state in Block 66.
- In Blocks 39–41, if the subject was convicted of any offense, list the offenses of which the subject was convicted, indicate whether sex offender registration is required, and enter the adjudged sentence. Include the duration of any confinement, restriction, or hard labor; amounts and duration of any fines and/or forfeitures; any reduction in rank; any letter of reprimand; and any punitive discharge (bad conduct discharge, dishonorable discharge, or dismissal).

Section D: Non-Judicial Punishment Information.

- Blocks 45–48 are used if the command imposed NJP upon the subject for any offense arising out of the sexual assault investigation. This means any offense identified during the investigation and related to the reported sexual assault (e.g., fraternization, underage drinking, assault consummated by a battery, orders violations). Identify all offenses for which NJP was imposed, the date punishment was imposed, and the nature of punishment imposed (including suspended punishments). If the misconduct was dismissed and no punishment was imposed, so state in Block 48.

Section E: Administrative Separation.

- In Blocks 49–51, indicate whether the subject was processed for administrative separation (ADSEP), whether the separation was in lieu of trial (i.e., a "SILT"), and whether processing was mandatory pursuant to MCO 1900.16 (Separation and Retirement Manual (MARCORSEPMAN)). For administrative separations, the UCDR may not be completed until final action is taken by the separation authority because, until the separation authority takes final action, the characterization of service is a recommended characterization of service.
- In Block 52, enter the stated basis of the separation. Do not provide a description of the underlying conduct. The basis should include the MARCORSEPMAN paragraph number and description presented to the separation authority (e.g., 6210.6 Commission of a Serious Offense).
- In Block 55, select the decision of the ADSEP board. If the subject is retained despite a recommendation for separation from an ADSEP Board, explain why in Block 66.

Section F: Other Adverse Administrative Action.

-
- In Blocks 57 and 58, select any other adverse administrative action taken against the subject, and enter the date thereof.

Section G: Civilian Authority Action.

- Blocks 59–65 are used for cases in which civilian authorities exercised jurisdiction over the subject. When needed, consult with the Military Criminal Investigation Office (USA CID, NCIS, AFOSI, CGIS) to determine whether civilian authorities prosecuted the case. For military subjects, commands will complete the UCDR only upon the conclusion of all civilian action and will include the results of any civilian trial, the nature of any sentence, and whether the command took adverse action as a result of the civilian prosecution. If a military subject is separated prior to the conclusion of all civilian action, complete the UCDR upon the separation of the subject. In cases involving a civilian subject over whom civilian authorities have exclusive jurisdiction, complete the UCDR immediately upon determining that the military lacks jurisdiction.

Section H: Case Synopsis Information.

- In Block 66, provide a narrative description of the basic facts of the case and any unique circumstances, such as any adverse action taken against the subject as a result of civilian prosecution. Also, indicate if the victim signed a Section 540K Declination Letter expressing a desire to not participate in the investigation or prosecution. Do not discuss specific details of the SA-IDA's decision-making process or privileged information. Consult with the SJA if there is a question concerning whether information is privileged.

Section I: Reporting Command Information.

- For military subjects, the SA-IDA in the subject's chain of command is responsible for completing the UCDR. For unknown or civilian subjects, the SA-IDA in the victim's chain of command is responsible for completing the UCDR. Enter the SA-IDA's name and information in Block 67.

Form Availability

A fillable copy of the UCDR is attached to this Practice Advisory. Additionally, the UCDR is available for download at the JAD Forms page: <https://www.hqmc.marines.mil/sja/JAD-Forms/> and the Department of Defense Forms page: <https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd3114.pdf>

Conclusion

Direct questions about this Practice Advisory to the JMJ Deputy Branch Head at (703) 693-9299.