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JAN 09 2025

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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