



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

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GENERAL COUNSEL

DEC 23 2022

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE &
SECURITY
UNDER SECRETARY OF DEFENSE FOR PERSONNEL &
READINESS
DEPARTMENT OF DEFENSE INSPECTOR GENERAL

SUBJECT: Plans Required by Section 547 of the National Defense Authorization Act for
Fiscal Year 2022

Pursuant to Section 547 of the National Defense Authorization Act for Fiscal Year 2022, Pub. L. No. 117-81, 135 Stat. 1541, 1712 (2021), and Department of Defense Directive 5145.01, General Counsel of the Department of Defense (GC DoD), ¶ 3.j (Dec. 2, 2013, as amended), in coordination with the Under Secretary of Defense for Intelligence and Security and the Under Secretary of Defense for Personnel and Readiness, I approve the attached plans to: (1) establish a single document management system for use by each Military Service to collect and present information on matters within the military justice system; (2) address how the Military Services will collect, track, and maintain pretrial records, data, and other information regarding the reporting, investigation, and processing of all offenses under the Uniform Code of Military Justice (UCMJ); and (3) address the manner in which the Department of Defense will analyze effects in law and policy with respect to the disposition of offenses over which a special trial counsel exercises authority under Article 24a, UCMJ.

I am forwarding a copy of these plans to the Judge Advocate General of the Coast Guard with regard to that Military Service for appropriate action.

A handwritten signature in black ink, appearing to read "Caroline Krass".

Caroline Krass
General Counsel

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



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

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WASHINGTON, DC 20301-1600

GENERAL COUNSEL

The Honorable Jack Reed
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

DEC 23 2022

Dear Mr. Chairman:

I am writing to provide you with the plans required by sections 547(a)-(c) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law No. 117-81).

The enclosed plans, prepared by the Department of Defense in consultation with the Department of Homeland Security, identify the requirements necessary to meet the legislative requirements.

I am sending an identical letter to the House Armed Services Committee.

Sincerely,


Caroline Krass
General Counsel

Enclosure:
As stated

cc:
The Honorable James M. Inhofe
Ranking Member



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600

GENERAL COUNSEL

The Honorable Adam Smith
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

DEC 23 2022

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The enclosed plans, prepared by the Department of Defense in consultation with the Department of Homeland Security, identify the requirements necessary to meet the legislative requirements.

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Sincerely,

Caroline Krass
General Counsel

Enclosure:
As stated

cc:
The Honorable Mike D. Rogers
Ranking Member

I. § 547: Introduction

Section 547 of the National Defense Authorization Act for Fiscal Year 2022 (“FY22 NDAA”) requires the Secretary of Defense to publish three separate plans: a plan to establish a single document management system for use by each Armed Force to collect and present information on matters within the military justice system, including information collected and maintained for purposes of Article 140a of the Uniform Code of Military Justice (UCMJ) (10 U.S.C. § 940a); a plan to collect, track, and maintain pretrial records and data; and a plan to analyze the effects of the changes in law. In consultation with the Department of Homeland Security, the three plans outlined below encompass the Department of Defense’s (DoD) response to the Section 547 requirements. The three plans are not alternative courses of action – each plan is independent, but interrelated with the other plans.

Plan A proposes a single, centralized Office of the Secretary of Defense (OSD)-managed system to collect data and documents from existing Armed Forces databases that maintain information on military justice matters. This new system will have the capacity to collect data from the different systems and the capability to compare and analyze aggregated military justice data from across the Armed Forces to facilitate data-driven policy-making and enhance the quality of periodic reviews of the UCMJ.

Plan B proposes a working group comprised of representatives from each Armed Force to develop a Data Dictionary to establish common definitions, criteria, and processes for recording pretrial information and to support the standardization for the collection, tracking, and maintenance of information regarding the reporting, investigation, and processing of all UCMJ offenses across the Armed Forces.

Plan C proposes systemic performance measures to monitor the disposition of offenses over which special trial counsel (STCs) exercise authority. A working group will review and refine the proposed performance measures from this plan, ensure consistent definitions of all necessary terms, and approve the final performance measures. The Department will collect data each fiscal year to assess each Service’s performance under the performance measures established by the final plan.

Appendixes:

A – Codebook

B – Current Databases, Systems, and Processing of Pretrial Information

C – Plan C Performance Measures and Data Collected

II. § 547 (a): Plan for Document Management System (DMS) (Plan A)

Section 547(a) of the FY22 NDAA requires that “the Secretary of Defense ... shall publish a plan pursuant to which the Secretary of Defense shall establish a single document management system for use by each Armed Force to collect and present information on matters within the military justice system, including information collected and maintained for purposes of section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice).”

A. “Military Justice System” Defined

For purposes of this plan, information from the Armed Forces’ databases will be collected, maintained, and presented in a single OSD-level system with respect to four military justice events or actions:

- (1) Nonjudicial punishment (NJP) (imposed), including notification of NJP, service member decisions, NJP authority decisions, and record of punishment;
- (2) preferral of charges;
- (3) imposition of pretrial confinement pursuant to RCM 305; and
- (4) any action by a military judge or military magistrate pursuant to Article 30a, UCMJ, including documents created as part of a proceeding.

The system will track the data and documents associated with the military justice case types through the final disposition within the military justice system, to include appellate review.

B. The DoD Document Management System (DMS)

Under the authority of the DoD General Counsel, the specified Defense Legal Services Agency (DLSA) office will host and operate a single centralized document management system that will pull data and information from each Armed Force’s respective military justice case management system and from other databases, as appropriate.

Once established, the DMS’s primary purpose will be to serve as the central repository for military justice data to assess and analyze both changes in law and policy and the overall health of the military justice system. The DMS will not replace the Armed Forces’ case management systems. Those systems serve a different purpose than the DMS: they collect data to achieve operational ends and the DMS will not interfere with the ability of each Armed Force to conduct its own internal analyses. Each Armed Force will remain the release authority for its source data and documents. Importantly, the DMS will not assume the role of release authority for any non-aggregated data or documents received from each Armed Force; that authority will remain with each Armed Force.

Once operational, the DMS will:

- (1) enable DoD to review and analyze military justice data aggregated from across the Armed Forces;
- (2) facilitate data-driven decision making by improving the collection and analysis of aggregated DoD-level information on military justice;
- (3) identify efficiency opportunities through automated workflow data management; and
- (4) enhance the quality of periodic reviews under Article 146, UCMJ.

The DMS will be implemented in such a way as to ensure that:

(1) utilization of feasible de-identification measures when aggregating and de-aggregating data sets;

(2) procedures exist for enforcing “need-to-know” and the principle of least privilege for each “piece” of evidence stored within the DMS; and

(3) data analytics and any automation tools do not circumvent system and access controls intended for each piece of evidence stored within the DMS.

The DMS, wherever practicable, will draw upon the considerable work and existing infrastructure already invested by the Department of Defense to create a military justice codebook, data dictionary, and process map for the military justice system, including building off the similar work currently in use by the Military Departments, Judge Advocates General, and Military Criminal Investigative Organizations.

C. Development of a Codebook for the DMS

Representatives from each Armed Force will form a working group to develop a Codebook to standardize collection, tracking, and maintenance of military justice information in the DMS. For purposes of this plan, the Codebook will contain information about each data field in the DMS. It will also provide a reference tool or “crosswalk” for corresponding data field names across the individual Service systems.

(1) Working Group Composition. The Secretaries of the Military Departments, the Under Secretary of Defense for Personnel and Readiness, and the Coast Guard will detail working group members with expertise including, but not limited to, military justice, law enforcement, and information technology. The working group will have significant flexibility to develop a Codebook that minimizes operational impact to the greatest extent possible.

(2) Codebook Content. In developing the Codebook, the working group will identify data fields needed in the DMS, including information collected and maintained for purposes of Article 140a, UCMJ, to track a case until completion within the military justice system, involving one of the following military justice events:

(a) NJP (imposed), including notification of NJP, service member decisions, NJP authority decisions, and record of punishment;

(b) preferral of charges;

(c) imposition of pretrial confinement pursuant to RCM 305; and

(d) any action by a military judge or military magistrate pursuant to Article 30a, UCMJ.

For the data fields identified in the Codebook, the working group will:

(a) identify names assigned to each data field;

(b) identify what each data field represents;

(c) identify how each data field is measured; and

(d) identify how each data field is recorded in the system.

(3) DMS Documents. For each accused tracked in a case management system, each Armed Force will provide the following documents, as applicable, for inclusion in the DMS library:

- (a) Report of Investigation;
- (b) document memorializing disposition;
- (c) DD Form 458, Charge Sheet (preferred and all subsequent amendments);
- (d) record of NJP imposed under Article 15, UCMJ;
- (e) DD Form 457, or Service equivalent, Article 32 Report, including continuity sheets (without transcript or attachments);
- (f) Article 34 Advice;
- (g) Statement of Trial Results; and
- (h) Entry of Judgment.

D. Timeline

(1) The working group will identify the data fields necessary to track the military justice cases specified in paragraph C for inclusion in the DMS Codebook.

(2) No later than June 30, 2023, the working group will submit the initial Codebook (Appendix A) for review and approval by the DoD General Counsel. The Codebook will establish the consistent data collection fields, definitions, and other criteria for use in the DMS.

(3) The working group will work in close coordination with DoD Senior Agency Official for Privacy/Chief Privacy Officer (“SAOP”) to ensure that all Privacy concerns are addressed and all functions of the DMS comply with Privacy Act policies and procedures.

(4) The working group will make a recommendation to the DoD General Counsel on the necessity of data use agreements for the exchange of information between each Armed Force and the DMS.

(5) After promulgation of the DMS Codebook by the DoD General Counsel, the working group will meet at least quarterly to verify the validity of data fields collected, recommend changes, and ensure the DMS Codebook supports continued interoperability.

E. DMS Resource Requirements

All DMS resource requirements will be at the OSD-level. The DMS will have minimal impact on the Armed Forces.

(1) Costs. The DMS will be developed in phases and will be designed to minimize additional costs to the Military Services. Cost estimates are pending with the DoD office for Cost Assessment and Program Evaluation (CAPE).

(2) Personnel. The Office of General Counsel (OGC) DLSA team responsible for DMS implementation and management should include legal, data analytic, and support personnel. Military justice subject matter experts (SMEs), including attorneys and paralegals, will ensure that data are comprehensive, accurate, and legally correct. Data analytic SMEs, including research plan developers and criminologists, will perform advanced research and analysis on the collected data to assess military justice trends and the overall health of the military justice system. Finally, technology and data support personnel will ensure the DMS operates efficiently and facilitates data exchange with the Armed Forces. Cost estimates are pending with DoD CAPE.

III. § 547 (b): Plan for Tracking Pretrial Information (Plan B)

Section 547(b) of the FY22 NDAA requires the Secretary of Defense to “publish a plan addressing how the Armed Forces will collect, track, and maintain pretrial records, data, and other information regarding the reporting, investigation, and processing of all offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), arising in any Armed Force in a manner such that each Armed Force uses consistent data collection fields, definitions, and criteria.”

A. “Pretrial Information” Defined

For purposes of this plan, pretrial information consists of records, data, and other information on the reporting, investigation, and processing of UCMJ offenses up to referral of charges to a court-martial, or, if no referral, to another final disposition.

(1) Reporting. A credible report of an offense alleged to be in violation of the UCMJ made to any of the following entities or personnel:

(a) military law enforcement, counter-insider threat officials, counterintelligence officials, or other security officials;

(b) military equal opportunity professionals;

(c) an unrestricted report of sexual assault or domestic abuse to any of the following: sexual assault response coordinators (SARCs), victim advocates, members of the command’s servicing legal office, or family advocacy professionals; or

(d) Inspector General (IG) representatives.

(2) Investigation. Investigations of reported offenses include law enforcement investigations by military criminal investigative organizations or military police or security police organizations, and IG investigations related to UCMJ offenses.

(3) Processing. Processing a reported offense to resolution—whether to referral of charges, NJP, or another lesser disposition—includes many pretrial actions. Examples of pretrial actions for inclusion in the Data Dictionary (see paragraph B below) include: pretrial restraint; depositions; preferral of charges; Article 32 reports; Article 34 advice; action by a military judge or magistrate pursuant to Article 30a; required input from alleged victims and victims’ counsel; and other information on disposition decisions.

Currently, pretrial information is not collected in a consistent manner or with standard data fields, definitions, or criteria across the Armed Forces.

Appendix B describes the organizations and systems that track military justice information.

B. Development of a Data Dictionary

Representatives from each Armed Force will form a working group to develop a Data Dictionary to establish common definitions, criteria, and processes for recording pretrial information and to support the standardization for the collection, tracking, and maintenance of information regarding the reporting, investigation, and processing of all UCMJ offenses across the Armed Forces. OSD-level DMS personnel will participate in the working groups. The Data Dictionary will serve as the foundation for the implementation of Plan B.

(1) Working Group Composition. The Secretaries of the Military Departments, the Under Secretary of Defense for Personnel and Readiness, and the Coast Guard will detail appropriate experts including, but not limited to, investigation, legal, data science, criminology, and information technology to a working group. The working group will have significant flexibility to develop a data dictionary that minimizes operational impact to the greatest extent possible.

(2) Data Dictionary Content. The Data Dictionary will establish common definitions, criteria, and processes. All pretrial information required to be collected, tracked, or reported by statute or policy must be included in the Data Dictionary.

In developing the Data Dictionary, the working group will:

- (a) address each category of pretrial information—reporting, investigation, and processing;
- (b) identify and standardize data fields, response options, and the processes for recording pretrial information;
- (c) develop uniform definitions for the data fields and response options. Data collection rules will be developed for all UCMJ offenses;
- (d) use the UCMJ offense code, and not the Uniform Crime Reporting (UCR) code, as a common crime identifier for recording and collecting military justice information; and
- (e) identify pretrial documents that must be maintained and retained in a uniform manner within a system of records in compliance with the Privacy Act.
- (f) work in close coordination with DoD Senior Agency Official for Privacy/Chief Privacy Officer (“SAOP”) to ensure that all Privacy concerns are addressed and all functions of the DMS comply with Privacy Act policies and procedures.

C. Timeline

(1) No later than June 30, 2023, the Secretaries of the Military Departments and the Coast Guard will submit a draft Data Dictionary, with uniform data elements, definitions, and criteria, and the pretrial documents list to the DoD General Counsel.

(2) Following review, approval, and publication of the DoD Data Dictionary by the DoD General Counsel, the Armed Forces will implement its provisions for the tracking of pretrial information as required by statute or policy no later than September 30, 2023.

IV. § 547 (c): Plan for Assessing Effects of Changes in Law (Plan C)

Section 547(c) of the FY22 NDAA requires the Secretary of Defense to “publish a plan addressing the manner in which the Department of Defense will analyze the effects of the changes in law and policy ... with respect to the disposition of offenses over which a special trial counsel at any time exercises authority.”

A. Background

This proposed plan presents systemic performance measures to monitor the disposition of offenses over which special trial counsel (STCs) exercise authority. The proposed plan was informed by performance measures developed by the Armed Forces, the Department of Justice, and numerous non-profit and research organizations—including the Prosecutorial Performance Indicators Project, the Justice Management Institute, and Aequitas. The categories of performance measures used in this plan were adopted from a 2011 report prepared by the Justice Management Institute for the Navy Judge Advocate General Program. Appropriate modifications have been made to reflect the changes in military law and policy over the past decade, the applicability of the performance measures to all the Services, and the focus of the FY22 NDAA on offenses that fall within the authority of STCs.

B. Joint Service Committee on Military Justice (JSC)

No later than June 30, 2023, the JSC will seek authorization to establish a subcommittee with STC representation and representation from the Office of the Under Secretary of Defense for Personnel and Readiness to review and enhance the proposed performance measures and collected data from this plan, ensure consistent definitions of all necessary terms, and submit such measures and data for review and approval by the DoD General Counsel. To the extent the subcommittee recommends modifications that meaningfully deviate from this proposed plan, written explanation will be provided to the DoD General Counsel. The Department will collect performance measures and data in accordance with the final plan for each Service for each fiscal year. Nothing in the final plan will preclude the Services from developing additional or separate performance measures and data for their individual use.

C. Proposed Performance Measures and Collected Data

The seven proposed categories of performance measures and collected data are:

- (1) Due Process Protections: measures intended to assess protection of the rights of the accused;
- (2) Alleged Victim Experience: measures intended to assess the participation and experience of alleged victims throughout the military justice process as well as adherence to their rights;
- (3) Accountability: measures intended to assess the accountability of the accused with regard to substantiated allegations;
- (4) Timeliness and Resource Prioritization: measures intended to assess the efficiency and timeliness of case processing and the appropriate prioritization of OSTC resources;
- (5) Competence and Capacity: measures intended to assess the experience levels and capacity of STCs;
- (6) Communication: measures intended to assess communication between STCs and commanders in the military justice process; and

- (7) Demographics: measures intended to capture demographic factors of the accused and alleged victim at various stages of the military justice process.

The proposed performance measures and data collected within each category are included in the following chart for the working group’s review. Appendix C contains the specifics for the data collected and rationale for each proposed performance measure.

1. Due Process Protections – Proposed Performance Measures	
1.1	Cases Dismissed or Reversed for Prosecutorial Error
1.2	Cases Reversed for Ineffective Assistance of Counsel
1.3	Cases Reversed for Judicial Error
2. Alleged Victim Experience – Proposed Performance Measures	
2.1	Restricted Reports Converted to Unrestricted Report
2.2	Alleged Victim Participation in OSTC Cases
2.3	Special Victims’ Counsel (SVC) / Victims’ Legal Counsel (VLC) / Victims’ Counsel (VC) Assignment Timeline
2.4	Continuity of Alleged Victim-SVC / VLC / VC Relationship
2.5	STC Consultation with Alleged Victim Prior to Initial Disposition Decision
2.6	Timeliness
3. Accountability – Collected Data	
3.1	Prosecution Rate for Covered Offenses
3.2	Deferral Rate and Cases Resulting in Alternative Dispositions
3.3	Conviction Rates for Covered Offenses
3.4	Conviction Rates for Covered or Known or Related Offenses
3.5	Confinement Terms for Covered Offenses
3.6	OSTC Cases Affirmed on Appeal by Court of Criminal Appeals (CCA) and the Court of Appeals for the Armed Forces (CAAF)
4. Timeliness and Resource Prioritization – Proposed Performance Measures	
4.1	Timeliness of Investigation
4.2	Timeliness of STC Involvement
4.3	Timeliness of Case Processing
4.4	Timeliness of Final Disposition by Command for Deferred Cases
4.5	Timeliness of First-Level Appellate Review
4.6	Ability to Identify Dismissible Cases Prior to Referral
4.7	Rate of Referral After No Probable Cause Finding at Article 32 Preliminary Hearing
4.8	Conviction Rates for Cases Referred After No Probable Cause Finding at Article 32

5. Competence and Capacity of STCs – Proposed Performance Measures	
5.1	STC Caseload
5.2	STC Experience Levels
5.3	STC Training
6. Communication – Collected Data	
6.1	Communication Between STCs and Commanders Regarding Case Disposition
6.2	Communication Between STCs and Commanders at Deferral
7. Demographics – Collected Data	
7.1	Representation by Racial Group for OSTC Cases (accused)
7.2	Representation by Ethnic Group for OSTC Cases (accused)
7.3	Representation by Sex for OSTC Cases (accused)
7.4	Representation by Grade for OSTC Cases (accused)
7.5	Representation of Military Occupational Specialties (MOS) for OSTC Cases (accused)
7.6	Representation by Racial Group for OSTC Cases (alleged victim)
7.7	Representation by Ethnic Group for OSTC Cases (alleged victim)
7.8	Representation by Sex for OSTC Cases (alleged victim)
7.9	Representation by Grade for OSTC Cases (alleged victim)
7.10	Representation of Military Occupational Specialties (MOS) for OSTC Cases (alleged victim)

3. Considerations

The Department has identified important considerations for successful implementation of this plan. First, at least three years of performance measures on offenses committed on or after December 28, 2023, are required for meaningful trend analysis of the OSTCs. Until such data are available, comparisons between the new data set and the historical data set will be limited. Consistent data fields and definitions are required for meaningful comparisons of the Services’ OSTCs.

Second, the performance measures and collected data are only the first-level analysis to help the Department understand data trends and identify anomalies. More in-depth studies, such as case reviews and advanced data analyses, will be required to explain why any trends are occurring.

V. Conclusion

These three independent, but interrelated plans, in consultation with DHS, encompass DoD’s response to Section 547 of the FY22 NDAA. Plan-specific working groups will collaborate to develop the necessary codebook, data dictionary, and performance measures during the initial stages of each plan’s implementation. Once approved, these tools will set the uniform standard for the Armed Forces for collecting and maintaining information on matters within the military justice system, including information maintained for purposes of UCMJ, Article 140a; for collecting, tracking, and maintaining pretrial records and data; and for analyzing the effects of the changes in law, and aid the Department in future assessments of the military justice system.

Appendix A. Codebook

Variable Name						Label - Data Point	Values - Uniform Definition
DoD	USA	USN	USMC	USAF	USCG		
Basic Data							
						1. Last name	[text]
						2. First name	[text]
						3. Middle initial	[text]
						4. Pay Grade	1 = E-1 2 = E-2 3 = E-3 4 = E-4 5 = E-5 6 = E-6 7 = E-7 8 = E-8 9 = E-9 10 = W-1 11 = W-2 12 = W-3 13 = W-4 14 = W-5 15 = O1E 16 = O2E 17 = O3E 18 = O-1 19 = O-2 20 = O-3 21 = O-4 23 = O-5 24 = O-6 25 = O-7+ 28 = Cadet 29 = Midshipman 30 = Civilian
						5. SSN or DoD ID No.	[text] = XXXX
						6. Date of birth	MM/DD/YYYY
						7. Sex	1 = M 2 = F
						8. Ethnicity	1 = Hispanic or Latino 2 = Not Hispanic of Latino

Appendix A. Codebook

						9. Race	1 = American Indian/Alaska Native
							2 = Asian
							3 = Black or African American
							4 = Native Hawaiian or Other Pacific Islander
							5 = White
							6 = Other
						10. Branch of Service	1 = Army
							2 = Air Force
							3 = Marine Corps
							4 = Navy
							5 = Coast Guard
							6 = Army National Guard
							7 = Air National Guard
							8 = USAR
							9 = USNR
							10 = USAFR
							11 = USMCR
							12 = USCGR
							13 = Other
							14 = N/A
						11. Pay entry date/Pay date	MM/DD/YYYY
Investigation							
						12. Investigating entity	1 = Chain of command
							2 = Military Criminal Investigation Organization
							3 = Military Police
							4 = Civilian
							5 = Foreign
							6 = N/A
						13. Investigation number	[text] Service dependent
						14. Date investigation opened	MM/DD/YYYY
						15. Date of earliest offense	MM/DD/YYYY
						16. Date earliest offense reported/discovered	MM/DD/YYYY
						17. Offenses investigated related to the accused	volume 2)
Victim of Sexual Assault & Domestic Violence							
						18. Does any charged offense involve a victim as defined by DoD Directive 1030.1	1 = Yes
							2 = No
						19. Number of victims	[text] ##

Appendix A. Codebook

<i>Following questions 20-27: shall be captured for each victim</i>							
						20. Identification of victim	[text] Initials of first & last names
						21. Sex of victim	1 = M
							2 = F
						22. Status of victim	1 = Military
							2 = Military-spouse
							3 = Civilian-spouse
							4 = Civilian-dependent
							5 = Civilian-Department/Service employee
							6 = Civilian-non-department/Service employee
							7 = Other
							8 = Unknown
						23. Is victim of domestic violence, as defined by Enclosure 2 of DoDI 6400.06?	1 = Yes
							2 = No
						24. VWAP notifications & elections (shall be captured for each qualifying victim)	[text] Date served and explained
						a. DD Form 2701 - Initial Information for Victims and Witnesses of Crime	MM/DD/YYYY
						b. DD Form 2702 - Court-Martial Information for Victims and Witnesses of Crime	MM/DD/YYYY
						c. DD Form 2703 - Post-trial information for Victims and Witnesses of Crime	MM/DD/YYYY
						d. DD Form 2704 - Victim/Witness Certification and Election Concerning Prisoner Status	MM/DD/YYYY
						e. Victim election to be notified under DD Form 2704	1 = Yes
							2 = No
						f. DD Form 2704-1 - Victim Election of Post-trial Rights	MM/DD/YYYY
						g. Victim election to be notified under DD Form 2704-1	1 = Yes
							2 = No
						25. Was the victim notified of the opportunity for SVC services	1 = Yes
							2 = No

Appendix A. Codebook

							3 = N/A
						a. Has an SVC been provided?	1 = Yes
							2 = No, victim requested SVC
							3 = No, victim declined
							4 = N/A
						26. Did the victim request and expedited transfer?	1 = Yes
							2 = No
							3 = N/A
						a. If "yes," action on the expedited transfer	1 = Approved
							2 = Disapproved
						27. 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?	1 = Yes
							2 = No
							3 = N/A
						a. Victim jurisdiction preference	1 = Military
							2 = Civilian
							3 = N/A
Pretrial							
<i>Pretrial restraint/confinement</i>							
						28. Has pretrial restraint/confinement of the accused been imposed?	1 = Yes
							2 = No
						a. Type of pretrial restraint/confinement imposed	1 = Conditions on liberty
							2 = Restriction in lieu of arrest
							3 = Arrest
							4 = Confinement
						b. If "yes," date imposed	MM/DD/YYYY
						c. Date pretrial restraint/confinement terminated	MM/DD/YYYY
<i>Preferral of Charges</i>							
						29. Earliest referral date	MM/DD/YYYY
						30. Was there an additional referral?	1 = Yes
							2 = No
						a. If "yes," date of additional referral	MM/DD/YYYY

Appendix A. Codebook

						31. Offense(s) charged	[text] [drop-down] DIBRS code (DODM 7730.47 volume 2)
						32. Does any offense involve alcohol and/or illegal use of drugs by the accused?	1 = N/A
							2 = Alcohol only
							3 = Illegal use of drugs only
							4 = Alcohol AND illegal use of drugs
						33. Does any offense involve alcohol and/or illegal use of drugs by a victim?	1 = N/A
							2 = Alcohol only
							3 = Illegal use of drugs only
							4 = Alcohol AND illegal use of drugs
						34. Was a firearm utilized in the commission of an offense?	1 = Yes
							2 = No
<i>Pre-referral judicial proceedings (R.C.M. 309)</i>							
						35. Was a pre-referral investigative subpoena requested? If yes, then	1 = Yes
							2 = No
						a. Was request granted?	1 = Yes
							2 = No
						b. Action by individual subject to subpoena	1 = Comply
							2 = Seek relief
						c. Judge action on a request for relief	1 = Order to comply
							2 = Modify
							3 = Quash subpoena
						36. Was a pre-referral warrant or order for wire or electronic communications requested?	1 = Yes
							2 = No
						a. Was request granted?	1 = Yes
							2 = No
						b. Action by individual/service provided subject to warrant or order	1 = Comply
							2 = Seek relief
						c. Judge action on a request for relief	1 = Order to comply
							2 = Modify
							3 = Quash subpoena
<i>Action by Chain of Command</i>							

Appendix A. Codebook

						37. Action by commander not authorized to convene courts-martial (R.C.M. 402). If commander takes separate action on individual preferred Specifications, input must reflect data for each specification.	1 = N/A
							2 = Dismissed
							3 = Forwarded to superior commander for disposition
							a. Date of action
						38. Action by commander exercising summary court-martial jurisdiction (R.C.M. 403). If commander takes separate action on individual preferred Specification, input must reflect data for each Specification.	1 = N/A
							2 = Dismissed
							3 = Dismissed and forwarded to subordinate commander for disposition
							4 = Forwarded to subordinate commander for disposition
							5 = Referred to summary court-martial
							6 = Preliminary hearing directed under R.C.M. 405 and Article 32
						a. Date of action	MM/DD/YYYY
						39. 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.	1 = N/A
							2 = Dismissed
							3 = Dismissed and forwarded to subordinate commander for disposition
							4 = Forwarded to subordinate commander for disposition
							5 = Forwarded to superior commander for disposition
							6 = Referred to summary court-martial
							7 = Referral to Article 16(c)(2)(A) Special Court-Martial
							8 = Referral to Special Court-Martial

Appendix A. Codebook

							9 = Preliminary hearing directed under R.C.M. 405 and Article 32
						40. Date of action	MM/DD/YYYY
Article 32 Preliminary Hearing (R.C.M. 405)							
						41. Was an Article 32 preliminary hearing ordered?	1 = Yes
						42. Did appointing authority grant waiver of Article 32 preliminary hearing?	1 = Yes
						a. Date appointing authority acted on waiver request	MM/DD/YYYY
						43. Date of Article 32 hearing	MM/DD/YYYY
						44. Were all victims, as defined by R.C.M. 405(g)(1), provided notice of the preliminary hearing?	1 = Yes
						45. Did any victim, as defined by R.C.M. 405(g)(1), testify at the Article 32 preliminary hearing?	1 = Yes
						46. Did any victim file a petition for writ of mandamus with the Court of Criminal Appeals pursuant to Article 6(b), UCMJ?	1 = Yes
						47. Action by Court of Criminal Appeals	3 = Relief Granted
						48. Date report submitted by Preliminary Hearing Officer (PHO)	MM/DD/YYYY
						49. PHO determination of whether convening authority has court-martial jurisdiction over the accused	1 = Yes
						50. For each Specification, PHO determination of the following:	2 = No

Appendix A. Codebook

						a. Is there a recommendation to modify the Specification?	1 = Yes
							2 = No
						b. Does the convening authority have court-martial jurisdiction over the offense?	1 = Yes
							2 = No
						c. Does the Specification allege an offense?	1 = Yes
							2 = No
						d. Does probable cause exist to believe the accused committed the offense?	1 = Yes
							2 = No
						51. Did the PHO determine probable cause existed to believe the accused committed additional, uncharged offenses?	1 = Yes
							2 = No
						a. If yes, provided offenses(s)	[text] [drop-down] DIBRS code
						52. Recommendation as to disposition of the case:	1 = No action
							2 = Administrative action
							3 = Non-judicial punishment
							4 = Referral to Summary Court-Martial
							5 = Referral to an Article 16(c)(2)(A) Special Court-Martial
							6 = Referral to Special Court-Martial
							7 = Referral to General Court-Martial
<i>SJA Pretrial Advice (R.C.M. 406)</i>							
						53. Is Article 34, UCMJ, SJA advice required? If "yes," system must capture the following conclusions by the SJA for each Specification:	1 = Yes
							2 = No
						a. Does the Specification allege an offense under the UCMJ?	1 = Yes
							2 = No
						b. Is there probable cause to believe the accused committed the offense?	1 = Yes
							2 = No
						c. Did the SJA recommend dismissal of the Specification	1 = Yes
							2 = No

Appendix A. Codebook

						d. Does the convening authority have court-martial jurisdiction over the offense?	1 = Yes
							2 = No
						54. SJA conclusion of whether the convening authority has court-martial jurisdiction over the accused:	1 = Yes
							2 = No
						55. SJA disposition recommendation	1 = No action
							2 = Administrative action
							3 = Non-judicial punishment
							4 = Referral to court-martial
						56. Date of Article 34, UCMJ, SJA advice	MM/DD/YYYY
<i>Referral - Action by the GCMCA</i>							
						57. Name of Command/GCMCA	[text] [drop-down] Look up by identification code
						58. Disposition of each Charge and Specification (R.C.M. 407)	1 = Dismissed
							2 = Dismissed and forwarded to subordinate commander for disposition
							3 = Forwarded to subordinate commander for disposition
							4 = Forwarded to superior commander for disposition
							5 = Referral to court-martial
						59. When referred to court-martial:	
						a. Level of court-martial to which charges were referred:	1 = Summary Court-Martial
							2 = Article 16(c)(2)(A) Special Court-Martial
							3 = Special Court-Martial
							4 = General Court-Martial
						b. If referral is to a Special Court-Martial, did the convening authority consult with a judge advocate, iaw R.C.M. 406A	1 = Yes
							2 = No

Appendix A. Codebook

						60. 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)	1 = Yes
							2 = No
						a. If yes, decision by GCMCA	1 = Referred charges to court-martial
							2 = The decision of the subordinate GCMCA was upheld
						b. Date of decision by reviewing GCMCA	MM/DD/YYYY
						61. Was elevated review by the Secretary of the Military Department/Commandant of the USCG triggered? (the non-referral decision involves a sex-related offense, as defined by § 1744 of the FY 2014 NDAA and § 5412 of the FY 2015 NDAA))	
						a. The SJA recommends referral and the GCMCA declines referral	1 = Yes
							2 = No
						b. The SJA and GCMCA both concur with non-referral, but the Service Chief Prosecutor seeks Secretarial/Commandant of the USCG review	1 = Yes
							2 = No
						a. Decision by Secretary of the Military Department/Commandant of the USCG	1 = Referred charges to court-martial
							2 = The decision of the subordinate GCMCA was upheld
						b. Date of decision by Secretary of the Military Department/Commandant of the USCG	MM/DD/YYYY
<i>Plea Agreement (R.C.M. 705)</i>							
						62. Is there a plea agreement	1 = Yes
							2 = No
						63. Date plea agreement approved	MM/DD/YYYY
						64. 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	1 = Yes

Appendix A. Codebook

							2 = No
						a. Plea of the accused	1 = Plea of guilty
							2 = Plea of guilty to LIO or other offense
							3 = Plea of not guilty
							4 = Withdrawn and/or Dismissed
						b. LIO or other offense - Article, UCMJ	[text] [drop-down] DIBRS code
						65. 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?	1 = Yes
							2 = No
							3 = N/A
						a. Did victim submit views concerning plea agreement?	1 = Yes
							2 = No
						b. Date victim submitted views concerning plea agreement	MM/DD/YYYY
						66. Is there an agreed-upon composition for sentencing	1 = Members
							2 = Judge
							3 = Magistrate judge
							4 = No forum agreed upon
						67. Is there an agreement to refer to a particular forum?	1 = Summary Court-Martial
							2 = Article 16(c)(2)(A) Special Court-Martial
							3 = Special Court-Martial
							4 = None
<i>Enlisted Separation/Officer Resignation in Lieu of Court-Martial</i>							
						68. Was a request for Separation in Lieu of Court-Martial submitted?	1 = Yes
							2 = No
						69. Was request approved?	1 = Yes
							2 = No
						a. Date request approved/denied	MM/DD/YYYY
						70. Characterization of Service	1 = Honorable
							2 = General, Under Honorable Conditions
							3 = Other than Honorable
<i>Inquiry into Mental Capacity/Mental Responsibility of the Accused (R.C.M. 706)</i>							
						71. R.C.M. 703 inquiry requested?	1 = Yes
							2 = No

Appendix A. Codebook

						72. R.C.M. 706 inquiry request approved	1 = Yes
							2 = No
						a. Date R.C.M. 706 inquiry request approved/denied	MM/DD/YYYY
						73. R.C.M. 706 inquiry completed date	MM/DD/YYYY
							74. 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 of wrongfulness of his or her conduct?	1 = Yes
							2 = 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?	1 = Yes
							2 = No
						75. The court found the accused incompetent to stand trial pursuant to R.C.M. 909	1 = Yes
							2 = No
							3 = N/A
Trial							
<i>Forum (R.C.M. 903)</i>							
						76. Composition of the Court for merits phase	1 = Members
							2 = Officer members at the accused's election
							3 = Members with 1/3 enlisted representation at the accused's election
							4 = Military Judge alone
							5 = Magistrate judge
<i>Pleas (R.C.M. 910)</i>							
						77. Plea(s) of the accused to each Charge and Specification	1 = Guilty
							2 = Not guilty of an offense charged, but guilty of named lesser included offense (LIO) or other offense
							3 = Guilty with exceptions, with or without substitutions, not guilty of the exceptions, but guilty of the substitutions, if any
							4 = Not guilty

Appendix A. Codebook

						a. In the case of guilty of LIO or other offense	[text] [drop-down] DIBRS code
Findings (R.C.M. 918)							
						78. Prior to findings, whether the convening authority caused any of the Charges or Specifications to be withdrawn and or dismissed. For each Charge and Specification, as applicable	1 = Withdrawn 2 = Withdrawn and dismissed
						79. Mistrial (R.C.M. 915)	1 = Yes 2 = No
						a. If mistrial, date of mistrial	MM/DD/YYYY
						80. Finding as to each Specification	1 = Guilty 2 = Not guilty of an offense charged, but guilty of named lesser included offense (LIO) or other offense 3 = Guilty with exceptions, with or without substitutions, not guilty of the exceptions, but guilty of the substitutions, if any 4 = Not guilty only by reason of lack of mental responsibility 5 = Not guilty 6 = Not guilty pursuant to R.C.M. 917 7 = Withdrawn and dismissed
						81. In the case of guilty of LIO or other offense	[text] [drop-down] DIBRS code
						82. Finding as to each charge	1 = Guilty 2 = Not guilty, but guilty of violation of Article 3 = Not guilty by reason of lack of mental responsibility 4 = Not guilty
						83. Date of findings	MM/DD/YYYY
Sentence (if applicable)							
						84. Composition of court for sentencing phase	1 = Members 2 = Officer members at the accused's election 3 = Members with 1/3 enlisted representation at the accused's election 4 = Military Judge alone 5 = Magistrate judge

Appendix A. Codebook

						85. Did a crime 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	1 = Yes
							2 = No
							3 = N/A
						86. Date sentence adjudged	MM/DD/YYYY
						87. Sentence adjudged (if sentenced by military judge, for most offense committed on or after 01 Jan 2019, those parts of the sentence adjudging a fine or confinement, subparagraphs e. and h. below, must be included for each Specification in which there was a finding of guilty). System must capture whether part of sentence was impacted by plea agreement.	
						a. Punishment	1 = Yes
							2 = No
						b. Reprimand	1 = None adjudged
							2 = Adjudged
						c. Reduction to the grade of	1 = None adjudged
							2 = E-1
							3 = E-2
							4 = E-3
							5 = E-4
							6 = E-5
							7 = E-6
							8 = E-7
							9 = E-8
						d. Forfeitures	1 = None adjudged
							\$ #####.## per month for ## months
						e. Fine	1 = None adjudged
							\$ #####.##
						f. Restriction to specific limits	1 = None adjudged
							XX months
							XX days
						g. Hard labor w/out confinement	None adjudged
							XX months
							XX days

Appendix A. Codebook

						h. Confinement	None adjudged
							Life without eligibility for parole
							Life
							XX years
							XX months
							XX days
							FOR JUDGE ALONE: must include "To be served: consecutively or concurrently" if sentence is imposed for more than one specification
						i. Punitive discharge	1 = None adjudged
							2 = Bad-Conduct Discharge
							3 = Bad-Conduct Discharge (mandated)
							4 = Dishonorable Discharge
							5 = Dishonorable Discharge (mandated)
							6 = Dismissal
						j. Death	1 = Yes
							2 = No
						88. Days of Pretrial confinement credit	XX days
						89. Days of judicially ordered credit	XX days
						90. Total days of credit	XX days
						91. Did the military judge recommend a suspension of any portion of the sentence?	1 = Yes
							2 = No
						92. 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)?	1 = Yes
							2 = No
						a. Did any victim, as defined in R.C.M. 1001, submit matters for consideration to The Judge Advocate General	1 = Yes
							2 = No
						b. Action by The Judge Advocate General on the Government's request to appeal the sentence	1 = Denied
							2 = Approved

Appendix A. Codebook

						c. Decision by the Court of Criminal Appeals on Government's appeal of sentence	1 = Denied
							2 = Set aside and remanded, sentence as adjudged is unlawful
							3 = Set aside and remanded, sentence as adjudged is plainly unreasonable
<i>Post-Trial Processing Related to Conviction and Sentence</i>							
						93. Is DNA collection and submission required in accordance with 10 U.S.C. § 1565 and DoDI 5505.14?	1 = Yes
							2 = No
						94. Is sex offender registration reporting required in accordance with appendix 4 to enclosure 2 of DoDI 1325.07?	1 = Yes
							2 = No
						95. Did this case involve a crime of domestic violence as defined in enclosure 2 of DoDI 6400.06?	1 = Yes
							2 = No
						96. Does this case trigger a firearm possession prohibition in accordance with 18 U.S.C. § 922?	1 = Yes
							2 = No
						97. Date confinement ordered	MM/DD/YYYY
						98. Law enforcement agency notified of disposition for criminal indexing purposes	1 = Yes
							2 = No
<i>Deferment and Waiver (R.C.M. 1103)</i>							
						99. Deferment	1 = N/A
							2 = Deferment requested by accused, approved
							3 = Deferment requested by accused, denied
							4 = Deferment of confinement ordered without request from accused
						100. Date of action on deferment	MM/DD/YYYY
						101. Did the convening authority waive automatic forfeitures by operation of Article 58(b)?	1 = Yes
							2 = No
<i>Post-trial Motions and Proceedings (R.C.M. 1104)</i>							

Appendix A. Codebook

						102. Did any post-trial Article 39(a) sessions occur?	1 = Yes
							2 = No
						103. Did any post-trial Article 39(a) impact any part of the findings or sentence?	1 = Yes
							2 = No
<i>Post-trial Action by the Convening Authority</i>							
						104. 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)?	1 = Yes
							2 = No
						105. Accused action regarding submission of matters pursuant to R.C.M. 1106	1 = Submitted
							2 = Expressly waived right to submit matters
							3 = Failed to submit matters
						106. 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.	1 = N/A
							2 = Yes
							3 = No
						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, to any qualifying victim (R.C.M. 1106A)? System must capture each victim provided.	1 = Yes
							2 = No
						108. Were matters submitted by crime victims pursuant to R.C.M. 1106A? System must capture each victim who submitted matters.	N/A
							1 = Yes
							2 = No
						109. Was any portion of the sentence suspended or remitted by the convening authority prior to the entry of judgment (R.C.M. 1107)?	1 = Yes
							2 = No

Appendix A. Codebook

						a. If the convening authority suspended any portion of the sentence, was that suspension later vacated (R.C.M. 1108)?	1 = Yes
							2 = 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?	1 = N/A
							2 = Yes
							3 = No
						110. Did the convening authority take any action impacting a finding of guilty, pursuant to R.C.M. 1110?	1 = Yes
							2 = No
						111. Did the convening authority take any action impacting a portion of the sentence, pursuant to R.C.M. 1109 and/or 1110?	1 = Yes
							2 = No
Entry of Judgment (R.C.M. 1111)							
						112. Date of Entry of Judgment	MM/DD/YYYY
						113. Data copy of Entry of Judgment provided to accused	MM/DD/YYYY
						114. Was a copy of the Entry of Judgment provided to any crime victim or crime victim's counsel, upon request?	1 = N/A
							2 = Yes
							3 = No
Preparation and Forwarding to Court of Criminal Appeals							
						115. Type of transcript prepared (R.C.M. 1114)	1 = Transcript not prepared
							2 = Verbatim
							3 = Summarized
						116. Date record of trial certified as containing all required contents pursuant to R.C.M. 1112(b)	MM/DD/YYYY
						117. Date copy of certified record of trial provided to accused or counsel (R.C.M. 1112(e))	MM/DD/YYYY

Appendix A. Codebook

						118. 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))	MM/DD/YYYY
						119. Date copy of certified record of trial was provided to any victim, or counsel for any victim, named in a Specification of what the accused was charged, upon request, without regard to the findings of the court-martial (R.C.M. 1112(e))	MM/DD/YYYY
						120. Date certified record of trial forwarded to appropriate reviewing authority	MM/DD/YYYY
<i>Waiver or Withdrawal of Appellate Review (R.C.M. 1115)</i>							
						121. Date waiver or withdrawal submitted by accused	N/A
MM/DD/YYYY							
						122. Determination of review in cases with the accused has waived or withdrawn appellate review (R.C.M. 1201)	
						a. Whether the court had jurisdiction over the accused at the offense	1 = Yes
2 = No							
						b. Whether each charge and specification stated an offense	1 = Yes
2 = No							
						c. Whether the sentence was within the limits prescribed as a matter of law	1 = Yes
2 = No							
						d. Date of review	MM/DD/YYYY
<i>Review by the Judge Advocate General</i>							
						123. For each certified record of trial received by The Judge Advocate General pursuant to R.C.M. 1201 and Article 69, UCMJ, the following determination will be made	
						a. Whether the court had jurisdiction over the accused at the offense	1 = Yes
2 = No							

Appendix A. Codebook

						b. Whether each charge and specification stated an offense	1 = Yes
							2 = No
						c. Whether the sentence was within the limits prescribed as a matter of law	1 = Yes
							2 = No
						d. Whether the response contained any response to an allegation of error made in writing by the accused	1 = Yes
							2 = No
						124. Was a remedy granted by The Judge Advocate General	1 = Yes
							2 = No
						125. Date accused notified of results of review conducted by The Judge Advocate General	MM/DD/YYYY
						a. Date application submitted for relief to The Judge Advocate General after final review (R.C.M. 1201(h))	N/A
							MM/DD/YYYY
						126. Action by The Judge Advocate General upon an application for relief	1 = N/A
							2 = Relief Granted
							3 = Relief Denied
						127. Was any remission of suspension of any unexecuted portion of any sentence by The Judge Advocate General pursuant to R.C.M. 1201(i) and Article 74, UCMJ	1 = Yes
							2 = No
						128. 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
							MM/DD/YYYY
						129. Action taken by the Court of Criminal Appeals upon such a referral or submission	1 = Affirmed
							2 = Reversed
						a. Date of Action by the Court of Criminal Appeals	MM/DD/YYYY
<i>Review by Court of Criminal Appeals (R.C.M. 1203)</i>							

Appendix A. Codebook

						130. Court of Criminal Appeals determined accused lacks mental capacity to understand and to conduct or cooperate intelligently in the appellate proceedings	1 = Yes
							2 = No
						131. Action on findings of guilty, by Charge and its Specification(s)	1 = Affirmed
							2 = Affirmed in part, remanded
							3 = Affirmed in part, dismissed
							4 = Reversed
						132. Action on sentence	1 = Affirmed
							2 = Affirmed in part, remanded
							3 = Affirmed in part, reassessed
							4 = Set aside, remanded
							5 = Set aside, reassessed
						133. Date of opinion of the Criminal Court of Appeals	MM/DD/YYYY
						134. Date accused notified of opinion of the Criminal Court of Appeals	MM/DD/YYYY
						135. Decision of the Criminal Court of Appeals upon a request for reconsideration	1 = N/A
							2 = Granted
							3 = Denied
						136. Decision upon reconsideration	1 = N/A
							2 = Relief Denied
							3 = Relief Granted
						137. Date of certification by The Judge Advocate General to the Court of Appeals for the Armed Forces (C.A.A.F)	N/A
							MM/DD/YYYY
						138. Date of petition by accused to C.A.A.F	N/A
							MM/DD/YYYY
						139. Date record of trial forwarded to C.A.A.F	N/A
							MM/DD/YYYY
<i>Review by the Court of Appeals for the Armed Forces (R.C.M. 1204)</i>							
						140. Action on petition by the accused for review	1 = Denied
							2 = Granted
						141. Date of action on petition	MM/DD/YYYY

Appendix A. Codebook

						142. Opinion of the Court of Appeals for the Armed Forces (C.A.A.F) regarding findings and sentence	1 = Affirmed
							2 = Affirmed in part, remanded
							3 = Affirmed in part, dismissed
							4 = Reversed
						143. Date of opinion to C.A.A.F	MM/DD/YYYY
						144. Decision of C.A.A.F. upon a request for reconsideration	1 =N/A
							2 = Denied
							3 = Granted
						a. Date of decision on request for reconsideration	MM/DD/YYYY
						145. Decision of C.A.A.F. upon reconsideration	1 = Relief Granted
							2 = Relief Denied
						a. Date of reconsideration decision	MM/DD/YYYY
<i>Review by the Supreme Court of the United States (R.C.M. 1205)</i>							
						146. Date petition for writ of certiorari filed	N/A
							MM/DD/YYYY
						147. Petition for writ of certiorari filed by	1 = United States
							2 = Accused
						148. Action on petition for writ of certiorari	1 = N/A
							2 = Denied
							3 = Granted
						149. Date of action on petition for writ of certiorari	MM/DD/YYYY
						150. If certiorari was granted, was the C.A.A.F. opinion summarily vacated and remanded?	1 = Yes
							2 = No
						151. If certiorari was granted, was briefing ordered?	1 = Yes
							2 = No
						152. If certiorari was granted, was oral argument held?	1 = Yes
							2 = No
						153. If certiorari was granted, the outcome was:	1 = Dismissed as improvidently granted
							2 = Affirmed
							3 = Affirmed in part, reversed in part
							4 = Reversed

Appendix A. Codebook

							5 = Other
<i>Action by the Service Secretary</i>							
						154. Upon final judgment involving the dismissal of a commissioned officer, cadet, or midshipmen, action by the Service Secretary or designee	1 = Approved and ordered executed
							2 = Substituted, for good cause, for an administrative form of discharge
							3 = Remitted
							4 = Suspended
						a. Date of action on the dismissal	MM/DD/YYYY
<i>Action by the President of the United States</i>							
						155. Action upon a sentence to death by the President	1 = Approved
							2 = Commuted to life without eligibility for parole
							3 = Commuted to life
							4 = Commuted to confinement for a term of years
						a. Date of action by the President	MM/DD/YYYY

Appendix B. Current databases, systems, and processing of pretrial information

1. Overview of Current Processes for Tracking Pretrial Information

Pretrial information consists of information on the reporting, investigation, and processing of cases up to referral of charges to a court-martial, or to another final disposition, representing a major component of the military justice system.

Multiple entities receive, investigate, and process reports of crime in the pretrial phase, including: sexual assault response coordinators (SARCs), inspectors general (IGs), law enforcement, the command, and beginning in December 2023, the Offices of Special Trial Counsel (OSTC).

Collection, reporting, and processing of pretrial information varies depending on the level of command or agency that receives, investigates, or makes a disposition determination. Except for commands, most reporting, investigation, and disposition entities have, or will develop, case management systems whose operational pretrial data inputs can adapt to the DMS Codebook and, upon implementation, link to DMS.

2. Categories of Pretrial Information

(a) reported information: 911 calls, incident reports, hotline complaints, written allegations, and report transfer information;

(b) investigative information: interviews, witness statements, evidence collection, forensic testing results, criminal indexing, reports of investigation, and preliminary hearing (Article 32) reports; and

(c) processing and disposition information: decisions to take no action, rationale for disposition decision, findings, NJP forms, charge sheets, victim input memorandums, victim participation memorandums, and command disposition forms.

3. Current DoD and Armed Forces' Systems Tracking Military Justice Matters

(a) Defense Sexual Assault Incident Database (DSAID) is the DoD's authoritative, centralized case-level database used to collect and maintain information on sexual assaults involving members of the Armed Forces, including tracking and reporting on sexual assault-related retaliation data. The DoD's Sexual Assault Prevention and Response Office (SAPRO) operates DSAID, which was developed to meet requirements in the Fiscal Year 2009 National Defense Authorization Act. SAPRO works collaboratively with the Services to implement and sustain DSAID.

(b) Defense Case Activity Tracking System Enterprise (D-CATSe) is the Department of Defense Office of Inspector General (DoD OIG) case management system. Planning is underway to deploy D-CATSe to all Service IGs, which will provide a single system for use by all Service IGs and DoD OIG for Hotline complaints, administrative investigations, and matters related to diversity, inclusion, and extremism in the Military (DIEM) by inspectors general. DIEM information is deidentified and will therefore not be correlated with other case tracking information. Subject to approval by the DoD IG, only those DoD OIG investigations that result in referral of court-martial charges would be provided to DMS.

(1) Administrative Investigations, Hotline, and DIEM utilize D-CATSe.

(2) The Defense Criminal Investigative Service (DCIS) utilizes the Case Reporting and Information Management System (CRIMS) for criminal, civil and administrative DCIS investigations.

Appendix B. Current databases, systems, and processing of pretrial information

(c) The Army's primary case management system to track military justice matters is Military Justice Online (MJO), supported by its companion application, the Army Court-Martial Information System (ACMIS). Additional Army systems include:

- (1) Army Courts-Martial Public Record System (ACMPRS)
- (2) U.S. Army Court of Criminal Appeals (ACCA) Appellate Library
- (3) Army Trial Judiciary's eDocket
- (4) Army CID and Military Police both use Army Law Enforcement Reporting Tracking System (ALERTS).
- (5) Army IG uses Inspector General Action Request System (IGARS).
- (6) Army SHARP uses Integrated Case Reporting System (ICRS) for SARC reports and referral information.
- (7) Army Family Advocacy Program uses Family Advocacy System of Records (FASOR) and Victim Advocacy Data System (VADATS) to track reporting and referral information.

(d) The Navy currently uses Wolverine, a Marine Corps case management database, to track court-martial information. The Naval Court-Martial Reporting System (NCORS) will replace the Wolverine system in 2023. Additional Navy systems include:

- (1) Consolidated Law Enforcement Operations Center (CLEOC) System for NCIS, Shore Patrol, and Marine Corps CID information.
- (2) Cornerstone is the newest NCIS system and after full implementation, will be used by the Navy and Marine Corps.
- (3) The Quarterly Criminal Activity Report (QCAR) tracks data on nonjudicial punishments from Navy commands world-wide.
- (4) Case Management Tracking and Information System (CMTIS) module in the JAG Enterprise System I (JES) tracks cases undergoing appellate review.
- (5) Navy Law Enforcement Criminal Investigation database.

(e) The Marine Corps' primary system for military justice matters is Wolverine (the Marine Corps Electronic Case Management System); Judge Advocate Division (JAD) centrally manages it. Additional Marine Corps systems include:

- (1) Marine Corps Total Force System (MCTFS). Managed by the Marine Corps Deputy Commandant for Manpower and Reserve Affairs (DC M&RA), Manpower Information Systems Division (MI), this system maintains all personnel data and includes data pertaining to final court-martial convictions, nonjudicial punishments, and administrative separations.
- (2) Discrimination and Sexual Harassment Database (DASH). Managed by DC M&RA, Manpower Plans and Policy (MP), Opportunity, Diversity and Inclusion (MPE), this system tracks and manages the processing and investigation of all complaints involving violations of MCO 5354.1F (Prohibited Activities and Conduct). This includes complaints of bullying, dissident and protest activities, harassment, hazing, prohibited discrimination, sexual harassment, and wrongful distribution and broadcasting of an intimate visual image.

Appendix B. Current databases, systems, and processing of pretrial information

- (3) Officer Disciplinary Notebook Management System (ODNMS). Centrally managed by JAD and locally managed by commanders and their staff judge advocates, this database tracks all allegations of officer misconduct and substandard performance.
- (4) Command Legal Action (CLA). Managed by individual commands, this system enables commanders to internally track, manage, route, and process local legal actions. It is predominantly used for administrative separations, and, as a locally managed system, it is not centrally queried for data.
- (5) Consolidated Law Enforcement Operations Center (CLEOC) System for NCIS, Shore Patrol, and Marine Corps CID information.
- (6) Cornerstone is the newest NCIS system and after full implementation, will be used by the Navy and Marine Corps.

(f) The Air Force's Automated Military Justice Analysis and Management System (AMJAMS) is a case management system for processing/tracking nonjudicial punishment and courts-martial. AMJAMS will be replaced by the Disciplinary Case Management System (DCMS) in 2023. Additional Air Force systems include:

- (1) The web-based Administrative Separation Program (WASP) processes and tracks enlisted adverse separation actions.
- (2) Air Force IG uses Automated Case Tracking System (ACTS).
- (3) Air Force Security Forces use the Air Force Justice Information System (AFJIS).
- (4) The DAF Equal Opportunity Information Technology System tracks MEO complaints and referral outside the EO purview.
- (5) OSI uses Investigative Information Management System (I2MS) to track and report cases. CaseLink is the official repository of cases.
- (6) The Office of Special Investigations Records, Investigations & Operations Network (ORION).

(g) Coast Guard military justice cases are tracked in the Military Justice Case Management System (also known as the Marine Corps Electronic Case Management System) managed by the U.S. Marine Corps Judge Advocate Division (JAD). Additional Coast Guard systems include:

- (1) Coast Guard Investigative Services (CJIS) Case Management System.
- (2) Official Military Personnel File (OMPF), which records summary information of the final disposition of military justice matters and the outcomes of Administrative Separations Boards and documentation of other negative behavior. OMPFs currently reside on a CG managed system called Perceptive Content and will be migrated to the interactive Personnel Electronic Records Management System (iPERMS) in the fall of 2022. Certain metadata reflecting information from documents recorded in the OMPF are manually entered into Direct Access, the Coast Guard's main human resources database. The Assistant Commandant for Human Resources (CG-1) and the Coast Guard Personnel Service Center manage OMPF, Direct Access, and associated human resources databases.

Appendix C. Plan C Performance Measures and Data Collected

1. Due Process Protections – Proposed Performance Measures		
1.1	Cases Dismissed or Reversed for Prosecutorial Error	
	How measured; Data collected	<p><i>Percentage of cases reversed on appeal for prosecutorial error =</i> Number of OSTC cases in which one or more findings were set aside by an appellate court for prosecutorial error or ethics violation and the sentence was reduced or reversed ÷ Number of OSTC cases reviewed by an appellate court on direct appeal</p> <p><i>Percentage of cases dismissed for prosecutorial error =</i> Number of OSTC cases in which the case was dismissed for prosecutorial error or ethics violation ÷ Number of OSTC cases with charges referred</p>
	Rationale	Prosecutorial errors can have significant effects on both the alleged victims and the accused. By examining trends in cases dismissed or reversed for prosecutorial error, the Services can identify the need for targeted trainings or amended policies for STCs.
1.2	Cases Reversed for Ineffective Assistance of Counsel	
	How measured; Data collected	<p><i>Percentage of cases reversed on appeal for ineffective assistance of counsel =</i> Number of OSTC cases in which one or more findings were set aside by an appellate court for ineffective assistance of counsel and the sentence was reduced or reversed ÷ Number of OSTC cases reviewed by an appellate court on direct appeal</p>
	Rationale	Service members have both a constitutional and a statutory right to counsel. The FY22 NDAA requires that military defense counsel detailed to represent a Service member accused of a covered offense be well-trained and experienced, highly skilled, and competent in the defense of cases involving covered offenses. By examining trends in cases reversed for ineffective assistance of counsel—that is, deficient performance that renders the results of a trial unreliable or fundamentally unfair—the Services can identify the need for targeted trainings or amended policies for defense counsel.
1.3	Cases Reversed for Judicial Error	
	How measured; Data collected	<p><i>Percentage of cases reversed on appeal for judicial error =</i> Number of OSTC cases in which one or more findings were set aside by an appellate court for judicial error and the sentence was reduced or reversed ÷ Number of OSTC cases reviewed by an appellate court on direct appeal</p>
	Rationale	By examining trends in cases reversed for judicial error, the Services can identify the need for targeted trainings or amended policies for military judges.

Appendix C. Plan C Performance Measures and Data Collected

2. Alleged Victim Experience – Proposed Performance Measures		
2.1	Restricted Reports Converted to Unrestricted Report	
	How measured; Data collected	<i>Percentage of restricted reports of sexual assault converted to unrestricted reports</i> = Number of restricted reports converted to unrestricted reports ÷ Total number of restricted reports
	Rationale	An alleged victim’s decision to convert a restricted report of sexual assault to an unrestricted report allows a military criminal investigative organization to initiate an investigation. Studying trends in the percentage of alleged victims who convert their report will assist the Department and Services in understanding the reasons behind this decision.
2.2	Alleged Victim Participation in OSTC Cases	
	How measured; Data collected	<p><i>Overall percentage of cases with alleged victims who decline to participate in OSTC cases</i> = Number of alleged victims who decline to participate in OSTC cases ÷ Total number of alleged victims who make an unrestricted report of a covered offense</p> <p><i>Percentage of alleged victims who decline to participate during investigative stage</i> = Number of alleged victims who decline to participate prior to substantial completion of investigation ÷ Total number of alleged victims who decline to participate in OSTC cases</p> <p><i>Percentage of alleged victims who decline to participate after preferral of charges (before referral of charges)</i> = Number of alleged victims who decline to participate after preferral of charges (before referral of charges) ÷ Total number of alleged victims who decline to participate in OSTC cases</p> <p><i>Percentage of alleged victims who decline to participate after referral of charges</i> = Number of alleged victims who decline to participate after referral of charges ÷ Total number of alleged victims who decline to participate in OSTC cases</p>
	Rationale	Studying trends in alleged victim participation in OSTC cases—along with identifying the stage at which alleged victims most frequently decline to participate in the military justice process—will assist the Department and Services in understanding the reasons behind this decision.

Appendix C. Plan C Performance Measures and Data Collected

2.3	Special Victims' Counsel (SVC) / Victims' Legal Counsel (VLC) / Victims' Counsel (VC) Assignment Timeline	
	How measured; Data collected	<i>Percentage of eligible alleged victims who have access to an SVC/VLC/VC within 72 hours</i> = Number of eligible alleged victims who have access to an SVC/VLC/VC within 72 hours of request ÷ Total number of eligible alleged victims who request access to an SVC/VLC/VC
	Rationale	Under 10 U.S.C. § 1044e, an SVC/VLC/VC must be made available on a military installation no later than 72 hours after an alleged victim's request for one, unless it is determined that this is not possible due to exigent circumstances related to military activities.
2.4	Continuity of Alleged Victim-SVC/VLC/VC Relationship	
	How measured; Data collected	Number of SVCs/VLCs/VCs per eligible alleged victim (median across all eligible alleged victims)
	Rationale	A DAC-IPAD 2022 report observed that alleged victims represented by SVCs/VLCs/VCs felt changing counsel during a case was stressful. Given that an SVC/VLC/VC's tour may end before a case is resolved, or an alleged victim may request a new SVC/VLC/VC, some turnover is inevitable; however, the DAC-IPAD found that, in general, alleged victims are better served by longer relationships with fewer counsel.
2.5	STC Consultation with Alleged Victim Prior to Initial Disposition Decision	
	How measured; Data collected	<i>Percentage of alleged victims offered opportunity to confer with STC about initial disposition decision</i> = Number of alleged victims offered opportunity to confer with STC about initial disposition decision ÷ Total number of alleged victims involved in OSTC cases
	Rationale	Under Article 6b of the UCMJ, alleged victims have a number of rights in the court-martial process, including the right to confer with trial counsel. However, according to the Independent Review Commission on Sexual Assault in the Military (IRC), many alleged victims reported that the prosecutor handling their case rarely—if ever—allowed opportunity for conferral on their cases.
2.6	Timeliness and Victim Satisfaction	
	How measured; Data collected	<i>See 4. Timeliness and Resource Prioritization.</i> The JSC subcommittee should include common definitions and processes for measuring the timeliness of the overall process and alleged victim satisfaction.
	Rationale	<i>See 4. Timeliness and Resource Prioritization.</i> The JSC subcommittee should include common definitions and processes for measuring the timeliness of the overall process and alleged victim satisfaction.

Appendix C. Plan C Performance Measures and Data Collected

3. Accountability – Collected Data		
3.1	Prosecution Rate for Covered Offenses	
How measured; Data collected	<p><i>Preferral rate</i> = Number of military investigations resulting in preferral of charges by OSTC for a covered offense (broken down by each covered offense) ÷ Number of military investigations involving a covered offense alleged to have been committed by a Service member (broken down by each covered offense)</p> <p><i>Referral rate</i> = Number of military investigations resulting in referral of charges by OSTC for a covered offense (broken down by each covered offense) ÷ Number of military investigations resulting in preferral of charges for a covered offense (broken down by each covered offense)</p>	
Rationale	<p>Many military investigations do not result in prosecution; for example, a DAC-IPAD study found that only 27.2% of cases involving a military criminal investigation of a penetrative sexual offense resulted in preferral of charges for the penetrative sexual offense. Understanding prosecution rates for the covered offenses is critical for those seeking to assess attrition rates and to gain context for conviction rates. The Department and Services should conduct further study to determine the reasons that some investigations do not result in prosecution, which may include lack of probable cause or an alleged victim’s decision to not participate.</p>	
3.2	Deferral Rate and Cases Resulting in Alternative Dispositions	
How measured; Data collected	<p><i>Deferral rate</i> = Number of military investigations involving a covered offense resulting in deferral by STC to commanders ÷ Number of military investigations involving a covered offense alleged to have been committed by a Service member</p> <p><i>Percentage of deferred cases resulting in alternative dispositions</i> = Number of deferred cases resulting in noncriminal alternative disposition by commander (including summary court-martial, nonjudicial punishment, and administrative action) ÷ Number of military investigations involving a covered offense resulting in deferral by STC to commanders</p>	
Rationale	<p>The FY22 NDAA outlines a process for STCs to defer cases to commanders. Understanding deferral rates and the extent to which deferred cases result in noncriminal alternative dispositions is critical to assessing the impact of the creation of the OSTC.</p>	

Appendix C. Plan C Performance Measures and Data Collected

3.3	Conviction Rates for Covered Offenses	
	How measured; Data collected	<p><i>Overall conviction rate for covered offenses</i> = Total number of accused in OSTC cases convicted of a covered offense in trial by court-martial (broken down by each covered offense) ÷ Total number of accused tried by court-martial by OSTC for a covered offense, including guilty pleas (broken down by each covered offense)</p> <p><i>Conviction rate for covered offenses (contested cases)</i> = Total number of accused in OSTC cases convicted of at least one covered offense at a contested court-martial (broken down by each covered offense) ÷ Total number of accused tried by court-martial by OSTC for a covered offense, not including guilty pleas (broken down by each covered offense)</p>
	Rationale	While conviction rates should not be viewed as a performance measure, they can be helpful for understanding the operation of the OSTCs, particularly when analyzed in conjunction with prosecution rates.
3.4	Conviction Rates for Covered or Known or Related Offenses	
	How measured; Data collected	<p><i>Overall conviction rate for covered or known or related offenses</i> = Total number of accused in OSTC cases convicted of at least one covered or known or related offense in trial by court-martial ÷ Total number of accused tried by court-martial by OSTC for a covered or known or related offense, including guilty pleas</p> <p><i>Conviction rate for covered or known or related offenses (contested cases)</i> = Total number of accused in OSTC cases convicted of at least one covered or known or related offense at a contested court-martial ÷ Total number of accused tried by court-martial by OSTC for a covered or known or related offense, not including guilty pleas</p>
	Rationale	This measure is aimed at assessing the total conviction rate for OSTC cases involving covered or known or related offenses, including cases in which a conviction is obtained for a known or related offense but not a covered offense.
3.5	Confinement Terms for Covered Offenses	
	How measured; Data collected	Median confinement term, broken down by offense, for all covered offenses resulting in conviction in cases in which a military judge imposes sentence and applies segmented sentencing
	Rationale	Under recent changes to court-martial sentencing, in non-capital cases in which all offenses resulting in a finding of guilty were committed after December 27, 2023, a military judge will sentence the accused. Military judges apply segmented sentencing: that is, a separate term of confinement and/or fine is adjudged for each specification. Calculating the median confinement terms for cases involving segmented sentencing will assist the Department and Services in understanding the severity of the punishment imposed for covered offenses.

Appendix C. Plan C Performance Measures and Data Collected

3.6	OSTC Cases Affirmed on Appeal by Court of Criminal Appeals (CCA) and the Court of Appeals for the Armed Forces (CAAF)	
	How measured; Data collected	<i>Percentage of cases affirmed on appeal by the CCA and CAAF</i> = Number of OSTC cases in which one or more findings and the sentence were affirmed by the CCA and CAAF ÷ Number of OSTC cases reviewed by the CCA and CAAF on direct appeal
	Rationale	One of the considerations in determining the disposition of charges and specifications under the UCMJ is whether admissible evidence will likely be sufficient to obtain <i>and sustain</i> a conviction in a trial by court-martial. The percentage of cases affirmed on appeal must be examined in conjunction with conviction rates so that the Department and Services can understand whether the interests of justice and good order and discipline were served by trial by court-martial.

4. Timeliness and Resource Prioritization – Proposed Performance Measures		
4.1	Timeliness of Investigation	
	How measured; Data collected	<i>Duration of investigation</i> = Number of days between (1) date of unrestricted report of covered offense and (2) date of substantial completion of investigation (median across each covered offense)
	Rationale	Both the Fort Hood Independent Review Committee (FHIRC) and the IRC found that investigations of sexual assault cases are interminably long and involve unreasonable delays. A DAC-IPAD report observed that length of time is one of the most significant factors in an alleged victim’s decision to not participate in the military justice process. Defense counsel testified before the DAC-IPAD that the initiation of an investigation results in significant adverse consequences for a Service member, even when no charges are preferred; these harms are often exacerbated by long delays. Calculating the median length of investigation will highlight what types of investigations are taking too long, enabling the Services to conduct further study to determine the causes.

Appendix C. Plan C Performance Measures and Data Collected

4.2	Timeliness of STC Involvement	
	How measured; Data collected	<p><i>Time of STC notification</i> = Number of days between (1) date of unrestricted report of offense and (2) date of STC notification (median across all cases in which STC is notified)</p> <p><i>Time of STC determination of covered offense</i> = Number of days between (1) date of STC notification and (2) date of STC's determination of whether a reported offense is a covered offense (median across all cases in which STC makes determination)</p>
	Rationale	<p>Under the FY22 NDAA, the STC has exclusive authority to determine if a reported offense is a covered offense, and thus early coordination between STCs and investigative agencies will be necessary. Studying the timeliness of STC involvement in investigations will enable the Services to determine whether delays by STCs are causing investigations into covered offenses to proceed more slowly than investigations into non-covered offenses or whether, on the contrary, STCs' early involvement is expediting the investigative process.</p>
4.3	Timeliness of Case Processing	
	How measured; Data collected	<p><i>Time of initial disposition decision</i> = Number of days between (1) date of substantial completion of investigation and (2) date of initial disposition decision (preferral or deferral) (median across each covered offense)</p> <p><i>Time of further action for preferred cases</i> = Number of days between (1) date of preferral and (2) date of further action by STC (referral or deferral) (median across each covered offense)</p> <p><i>Time of adjudication for referred cases</i> = Number of days between (1) date of referral and (2) date of adjudication (median across each covered offense)</p>
	Rationale	<p>Much as they had done in their findings on investigations, the IRC and FHIRC emphasized that the time until adjudication is unduly long, which harms both the alleged victim and the accused. Calculating the duration for each phase of the military justice process will enable the Services to understand where delays are occurring and will guide further research into the reasons for these delays.</p>

Appendix C. Plan C Performance Measures and Data Collected

4.4	Timeliness of Final Disposition by Command for Deferred Cases	
	How measured; Data collected	<p><i>Time of final disposition decision for deferred cases</i> = Number of days between (1) date of deferral by STC and (2) date of final disposition decision by command, including decision to take no action (median across all deferred offenses)</p> <p><i>Time of completed final disposition action for deferred cases (excluding no action cases)</i> = Number of days between (1) date of final disposition decision by command and (2) date of completed final disposition action (median across all deferred offenses)</p>
	Rationale	The deferral of a case to a commander has the potential to exacerbate delays in its investigation and processing.
4.5	Timeliness of First-Level Appellate Review	
	How measured; Data collected	<p><i>Time of docketing by CCA</i> = Number of days between (1) date accused was sentenced and (2) date CCA docketed case (median across all OSTC cases)</p> <p><i>Time of decision by CCA</i> = Number of days between (1) date CCA docketed case and (2) date of final decision by CCA (median across all OSTC cases)</p>
	Rationale	In <i>United States v. Moreno</i> , 63 M.J. 129 (C.A.A.F. 2006), the Court of Appeals for the Armed Forces held that due process entitles convicted Service members to a timely review and appeal of court-martial convictions. While some of the time standards set forth in <i>Moreno</i> have been superseded by the implementation of the Military Justice Act of 2016, in general the Services presume unreasonable delay in cases in which more than 150 days elapse between sentencing and docketing with the CCA, or more than 18 months elapse between the case's being docketed with the CCA and the CCA's rendering a decision. This measure does not take into account extensions requested by appellate defense counsel, which may be analyzed through further study.
4.6	Ability to Identify Dismissible Cases Prior to Preferral	
	How measured; Data collected	Percentage of investigations in which charges are not preferred by OSTC vs. percentage of investigations in which charges are dismissed after preferral by OSTC
	Rationale	While there may be appropriate reasons for preferring charges and later dismissing them, in general early identification of dismissible cases reduces negative consequences for the alleged victim and the accused.

Appendix C. Plan C Performance Measures and Data Collected

4.7	Rate of Referral After No Probable Cause Finding at Article 32 Preliminary Hearing	
	How measured; Data collected	<i>Percentage of OSTC cases referred to general courts-martial after no probable cause finding at Article 32</i> = Number of OSTC cases referred to general courts-martial after no probable cause finding at Article 32 ÷ Total number of OSTC cases with no probable cause finding at Article 32
	Rationale	The IRC recommended further study of Article 32 preliminary hearings, writing that numerous stakeholders agreed that it is not fair to the administration of justice to proceed with a court-martial despite a no probable cause finding. Studying the frequency at which cases are referred after a no-probable-cause finding in conjunction with these cases' final dispositions may highlight a potential issue of fairness or resource prioritization for the OSTC.
4.8	Conviction Rates for Cases Referred After No Probable Cause Finding at Article 32 Preliminary Hearing	
	How measured; Data collected	<i>Overall conviction rate for cases referred after no probable cause finding at Article 32 preliminary hearing</i> = Total number of accused in OSTC cases convicted of at least one offense in trial by court-martial after case was referred with no probable cause finding at Article 32 preliminary hearing ÷ Total number of OSTC cases with no probable cause finding at Article 32
	Rationale	This is intended to measure the outcome of the cases referred after a no probable cause determination at the Article 32.

5. Competence and Capacity of STCs – Proposed Performance Measures		
5.1	STC Caseload	
	How measured; Data collected	<i>Percentage of STCs with caseloads within the optimum caseload range</i> = Number of STCs whose caseloads are within optimum caseload range as determined by each Service ÷ Total number of STCs
	Rationale	Section 539F requires the Services to present to Congress the optimum caseload goal assigned to personnel who participate in the military justice process. For STCs, the Army presented the goal of 7–10 courts-martial per year and 50–75 law enforcement reports per year; the Navy and Marine Corps presented the goal of lead counsel handling about 50 cases per year, resulting in 8–10 completed courts-martial per year; and the Air Force presented the goal of 8–12 courts-martial per year. The Services should use consistent terms in defining their optimum caseload goal, and then determine what percentage of actual STC caseloads are within the optimum range.

Appendix C. Plan C Performance Measures and Data Collected

5.2	STC Experience Levels	
	How measured; Data collected	<i>Percentage of STCs who met target experience levels prior to assignment</i> = Number of STCs who worked the target number of cases prior to assignment as STC ÷ Total number of STCs
	Rationale	The Services must submit a plan for detailing officers to serve as STCs, including how they will place appropriate emphasis and value on litigation experience for judge advocates in order to ensure they are experienced, prepared, and qualified to handle covered offenses. If the Secretaries' plans for litigation experience include a target number of cases worked by judge advocates prior to assignment as STCs, the Services should determine what percentage of STCs have met those targets. The Services should use consistent terms in defining the target number of cases worked.
5.3	STC Training	
	How measured; Data collected	<i>Percentage of STCs who completed required training</i> = Number of STCs who completed training requirements ÷ Total number of STCs
	Rationale	Each STC must be certified to be qualified, by reason of education, training, experience, and temperament, for duty. Under DoD policy, the lead STC will establish appropriate training for their office. The Services should determine what percentage of STCs have completed their training requirements.

6. Communication – Collected Data		
6.1	Communication Between STCs and Commanders Regarding Case Disposition	
	How measured; Data collected	<p><i>Percentage of Service member alleged victims' commanders who provide input to an STC</i> = Total number of Service member alleged victims whose commander provided input to an STC ÷ Total number of cases with covered or known or related offenses</p> <p><i>Percentage of Service member accused's commanders who provide input to an STC</i> = Total number of Service members accused of a covered or known or related offenses whose commander provided input to an STC ÷ Total number of Service members accused of a covered or known or related offense</p>
	Rationale	Under the FY22 NDAA, commanders of the alleged victim and the accused in a case involving a covered offense will have the opportunity to provide non-binding input to the STC regarding case disposition. Once the Services determine the exact process for commanders to provide input to STCs, the Services should assess the percentage of cases in which commanders provided such input.

Appendix C. Plan C Performance Measures and Data Collected

6.2	Communication Between STCs and Commanders at Deferral	
	How measured; Data collected	Percentage of cases involving deferral in which STCs provide necessary information to commanders; exact data elements and computation to be determined
	Rationale	Once the Services determine the exact process for deferral, the Services should assess the percentage of cases in which the STC is meeting the requirements for providing necessary information to the commander.

7. Demographics – Collected Data		
7.1	Representation by Racial Group for OSTC Cases (accused)	
	How measured; Data collected	<p><i>Ratio at investigation</i> = Percentage of investigative subjects belonging to a certain racial group ÷ Percentage of Service members belonging to the same racial group in total Service population (Example: XX% of accused who are Black ÷ YY% of total Service population that is Black)</p> <p><i>Ratio at preferral</i> = Percentage of accused at preferral belonging to a certain racial group ÷ Percentage of investigative subjects at investigation belonging to a same racial group</p> <p><i>Ratio at referral</i> = Percentage of accused at referral belonging to a certain racial group ÷ Percentage of accused at preferral belonging to the same racial group</p> <p><i>Ratio at conviction</i> = Percentage of accused at conviction belonging to a certain racial group ÷ Percentage of accused at referral belonging to the same racial group</p> <p><i>Ratio receiving confinement</i> = Percentage of accused belonging to a certain racial group receiving confinement ÷ Percentage of accused at conviction belonging to the same racial group</p>
	Rationale	<p>This performance measure—which adopts the methodology used by the Sentencing Project, a research and advocacy center—will enable the Department and Services to identify disparities in the military justice system and make comparisons across the Services. A disparity ratio greater than 1 indicates that a racial group is disproportionately represented at a given stage in comparison to its representation at the previous stage. A ratio less than 1 means that a racial group is underrepresented at this stage compared to the previous stage.</p> <p>This is a first-level analysis of the data; the next step would be to identify possible causes of any disparity, including by using multivariate regression analyses to control for outside influences, such as crime rate or reporting rate.</p>

Appendix C. Plan C Performance Measures and Data Collected

7.2	Representation by Ethnic Group for OSTC Cases (accused)	
	How measured; Data collected	<p><i>Ratio at investigation</i> = Percentage of investigative subjects belonging to a certain ethnic group ÷ Percentage of Service members belonging to the same ethnic group in total Service population</p> <p><i>Ratio at preferral</i> = Percentage of accused at preferral belonging to a certain ethnic group ÷ Percentage of investigative subjects belonging to the same ethnic group</p> <p><i>Ratio at referral</i> = Percentage of accused at referral belonging to a certain ethnic group ÷ Percentage of accused at preferral belonging to same ethnic group</p> <p><i>Ratio at conviction</i> = Percentage of accused at conviction belonging to a certain ethnic group ÷ Percentage of accused at referral belonging to the same ethnic group</p> <p><i>Ratio receiving confinement</i> = Percentage of accused belonging to a certain ethnic group receiving confinement ÷ Percentage of accused at conviction belonging to the same ethnic group</p>
	Rationale	This measure would identify disproportionate representation based on ethnicity, one of the demographic categories in which Congress expressed interest in the FY22 NDAA.
7.3	Representation by Sex for OSTC Cases (accused)	
	How measured; Data collected	<p><i>Ratio at investigation</i> = Percentage of investigative subjects of a certain sex ÷ Percentage of Service members of the same sex in total Service population</p> <p><i>Ratio at preferral</i> = Percentage of accused at preferral of a certain sex ÷ Percentage of investigative subjects of the same sex</p> <p><i>Ratio at referral</i> = Percentage of accused at referral of a certain sex ÷ Percentage of accused at preferral of the same sex</p> <p><i>Ratio at conviction</i> = Percentage of accused at conviction of a certain sex ÷ Percentage of accused at referral of the same sex</p> <p><i>Ratio receiving confinement</i> = Percentage of accused of a certain sex receiving confinement ÷ Percentage of accused at conviction of the same sex</p>
	Rationale	This measure would identify disproportionate representation based on sex, one of the demographic categories in which Congress expressed interest in the FY22 NDAA.

Appendix C. Plan C Performance Measures and Data Collected

7.4	Representation by Grade for OSTC Cases (accused)	
	How measured; Data collected	<p><i>Ratio at investigation</i> = Percentage of investigative subjects in a certain grade ÷ Percentage of Service members in the same grade in total Service population</p> <p><i>Ratio at preferral</i> = Percentage of accused at preferral in a certain grade ÷ Percentage of investigative subjects in the same grade</p> <p><i>Ratio at referral</i> = Percentage of accused at referral in a certain grade ÷ Percentage of accused at preferral in the same grade</p> <p><i>Ratio at conviction</i> = Percentage of accused at conviction in a certain grade ÷ Percentage of accused at referral in the same grade</p> <p><i>Ratio receiving confinement</i> = Percentage of accused in a certain grade receiving confinement ÷ Percentage of accused at conviction in the same grade</p>
	Rationale	This measure would identify disproportionate representation based on grade, one of the demographic categories in which Congress expressed interest in the FY22 NDAA.
7.5	Representation of Military Occupational Specialties (MOS) for OSTC Cases (accused)	
	How measured; Data collected	<p><i>Ratio at investigation</i> = Percentage of investigative subjects assigned to a certain MOS ÷ Percentage of Service members assigned to the same MOS in total Service population</p> <p><i>Ratio at preferral</i> = Percentage of accused at preferral assigned to a certain MOS ÷ Percentage of investigative subjects assigned to the same MOS</p> <p><i>Ratio at referral</i> = Percentage of accused at referral assigned to a certain MOS ÷ Percentage of accused at preferral assigned to the same MOS</p> <p><i>Ratio at conviction</i> = Percentage of accused at conviction assigned to a certain MOS ÷ Percentage of accused at referral assigned to the same MOS</p> <p><i>Ratio receiving confinement</i> = Percentage of accused assigned to a certain MOS receiving confinement ÷ Percentage of accused at conviction assigned to the same MOS</p>
	Rationale	Even though Congress did not direct the Services to measure military justice outcomes disaggregated by MOS, this performance measure would identify disproportionate representation based on the demographic category.

Appendix C. Plan C Performance Measures and Data Collected

7.6	Representation by Racial Group for OSTC Cases (alleged victim)	
	How measured; Data collected	<p><i>Ratio at investigation</i> = Percentage of alleged victims belonging to a certain racial group ÷ Percentage of Service members belonging to the same racial group in total Service population</p> <p><i>Ratio at preferral</i> = Percentage of alleged victims at preferral belonging to a certain racial group ÷ Percentage of alleged victims at investigation belonging to a same racial group</p> <p><i>Ratio at referral</i> = Percentage of alleged victims at referral belonging to a certain racial group ÷ Percentage of alleged victims at preferral belonging to the same racial group</p> <p><i>Ratio at conviction</i> = Percentage of alleged victims at conviction belonging to a certain racial group ÷ Percentage of alleged victims at referral belonging to the same racial group</p> <p><i>Ratio receiving confinement</i> = Percentage of alleged victims belonging to a certain racial group for cases in which accused receives confinement ÷ Percentage of alleged victims at conviction belonging to the same racial group</p>
	Rationale	These measures mirror those of the accused, above.
7.7	Representation by Ethnic Group for OSTC Cases (alleged victim)	
	How measured; Data collected	<p><i>Ratio at investigation</i> = Percentage of alleged victims belonging to certain ethnic group ÷ Percentage of Service members belonging to the same ethnic group in total Service population</p> <p><i>Ratio at preferral</i> = Percentage of alleged victims at preferral belonging to certain ethnic group ÷ Percentage of alleged victims belonging to the same ethnic group</p> <p><i>Ratio at referral</i> = Percentage of alleged victims at referral belonging to certain ethnic group ÷ Percentage of alleged victims at preferral belonging to same ethnic group</p> <p><i>Ratio at conviction</i> = Percentage of alleged victims at conviction belonging to certain ethnic group ÷ Percentage of alleged victims at referral belonging to the same ethnic group</p> <p><i>Ratio receiving confinement</i> = Percentage of alleged victims belonging to a certain ethnic group for cases in which accused receives confinement ÷ Percentage of alleged victims at conviction belonging to the same ethnic group</p>
	Rationale	These measures mirror those of the accused, above.

Appendix C. Plan C Performance Measures and Data Collected

7.8	Representation by Sex for OSTC Cases (alleged victim)	
	How measured; Data collected	<p><i>Ratio at investigation</i> = Percentage of alleged victims of a certain sex ÷ Percentage of Service members of the same sex in total Service population</p> <p><i>Ratio at preferral</i> = Percentage of alleged victim at preferral of a certain sex ÷ Percentage of alleged victims of the same sex</p> <p><i>Ratio at referral</i> = Percentage of alleged victims at referral of a certain sex ÷ Percentage of alleged victims at preferral of the same sex</p> <p><i>Ratio at conviction</i> = Percentage of alleged victims at conviction of a certain sex ÷ Percentage of alleged victims at referral of the same sex</p> <p><i>Ratio receiving confinement</i> = Percentage of alleged victims of a certain sex for cases in which accused receives confinement ÷ Percentage of alleged victims at conviction of same sex</p>
	Rationale	These measures mirror those of the accused, above.
7.9	Representation by Grade for OSTC Cases (alleged victim)	
	How measured; Data collected	<p><i>Ratio at investigation</i> = Percentage of alleged victims in a certain grade ÷ Percentage of Service members in the same grade in total Service population</p> <p><i>Ratio at preferral</i> = Percentage of alleged victims at preferral in a certain grade ÷ Percentage of alleged victims in the same grade</p> <p><i>Ratio at referral</i> = Percentage of alleged victims at referral in a certain grade ÷ Percentage of alleged victims at preferral in the same grade</p> <p><i>Ratio at conviction</i> = Percentage of alleged victims at conviction in a certain grade ÷ Percentage of alleged victims at referral in the same grade</p> <p><i>Ratio receiving confinement</i> = Percentage of alleged victims in a certain grade for cases in which accused receives confinement ÷ Percentage of alleged victims at conviction in same grade</p>
	Rationale	These measures mirror those of the accused, above.

Appendix C. Plan C Performance Measures and Data Collected

7.10	Representation of Military Occupational Specialties (MOS) for OSTC Cases (alleged victim)	
	How measured; Data collected	<p><i>Ratio at investigation</i> = Percentage of alleged victims assigned to a certain MOS ÷ Percentage of Service members assigned to the same MOS in total Service population</p> <p><i>Ratio at preferral</i> = Percentage of alleged victims at preferral assigned to a certain MOS ÷ Percentage of alleged victims assigned to the same MOS</p> <p><i>Ratio at referral</i> = Percentage of alleged victims at referral assigned to a certain MOS ÷ Percentage of alleged victims at preferral assigned to the same MOS</p> <p><i>Ratio at conviction</i> = Percentage of alleged victims at conviction assigned to a certain MOS ÷ Percentage of alleged victims at referral assigned to the same MOS</p> <p><i>Ratio receiving confinement</i> = Percentage of alleged victims assigned to a certain MOS for cases in which accused receives confinement ÷ Percentage of alleged victims at conviction assigned to the same MOS</p>
	Rationale	These measures mirror those of the accused, above.