

COMMAND POLICY

NUMBER

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26 January 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Withholding Article 15 UCMJ Authority to Dispose of Misconduct Involving Officers and Sergeants Major

1. REFERENCES:

- a. Manual for Courts-Martial, United States, Rule for Courts-Martial 306.
- b. Army Regulation 27-10, Military Justice, paragraph 3-7.

2. APPLICABILITY. This policy applies to all units and tenant activities under the general court-martial convening authority of the Commander, Fort Hood.

3. POLICY.

a. Allegations of misconduct against senior leaders are sensitive and important matters. They impact entire units in addition to the persons involved. They are frequently subject to additional scrutiny and review.

b. Scope of Reservation. Pursuant to Rule for Courts-Martial 306, the authority to dispose of UCMJ offenses allegedly committed by commissioned officers, warrant officers, or sergeants major is withheld to the Commander, Fort Hood.

c. Limitation of Delegation. Subordinate commanders do not have the authority to impose nonjudicial punishment for UCMJ offenses allegedly committed by commissioned officers, warrant officers, or sergeants major.

d. Senior Leader Misconduct Report. No later than 72 hours from receipt of information that a commissioned officer, warrant officer, or sergeant major may have violated the UCMJ, the suspect's special court-martial convening authority (SPCMCA, brigade commander) shall provide an e-mail to the Commander, Fort Hood. Send a copy to the Staff Judge Advocate. When sergeants major are involved, send a

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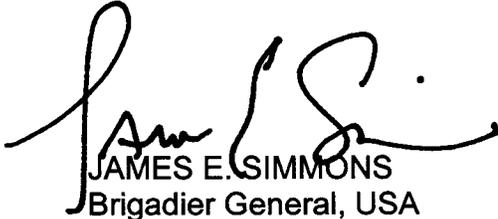
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copy to the Fort Hood Command Sergeant Major. Include all relevant facts, known evidence supporting those facts, and circumstances surrounding the alleged offenses. In addition to the factors set out in Rule for Courts-Martial 306(b), the report shall address the:

- (1) Crime: what happened (who did what, where, when, how, and why).
- (2) Accused's service record, family situation, and mitigating or extenuating circumstances.
- (3) Victims and their concerns.
- (4) Unit impact: the specific effect on the good order, morale, and discipline of the unit.
- (5) Recommended disposition: Give me your independent recommendations for an appropriate disposition. For example: CG Article 15, general officer memorandum of reprimand, counseling (oral or written), release to brigade commander for courts-martial or appropriate action, or no action.

If you cannot provide the requested information within 72 hours, provide an interim report delineating as much information as possible.

4. EXPIRATION. This policy memorandum remains in effect until superseded or rescinded.



JAMES E. SIMMONS
Brigadier General, USA
Commanding

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Each Fort Hood MSC