



DEPARTMENT OF THE ARMY
UNITED STATES ARMY COMBINED ARMS SUPPORT COMMAND
2221 ADAMS AVENUE
FORT LEE VIRGINIA 23801-2102

ATCL-CG

FEB 22 2016

CASCOM Policy 15-12

MEMORANDUM FOR CASCOM, Fort Lee and Fort Eustis Personnel

SUBJECT: Withholding and Reservation of Authority to Dispose of Misconduct

1. Applicability: Soldiers under the General Court-Martial Jurisdiction of the CASCOM and Ft. Lee Command.
2. GCMCA Withholding. The authority of the Commandants, USAODS, USAQMS, and USATS, to act as GCMCAs for all military justice and adverse administrative actions is withheld to the Commanding General, CASCOM. This withholding policy neither limits a Commandant's ability to act as a superior Special Court-Martial Convening Authority (SPCMCA) over the units for which he has command authority, nor does it limit the Commandants' ability to issue non-mandatory letters of reprimand and to file those reprimands in accordance with AR 600-37. In individual cases, I may return jurisdiction to a subordinate commander for action as that commander deems appropriate. My release of withholding and authority to dispose of certain misconduct to the Commanding General, Center for Initial Military Training, dated 31 August 2015 remains in effect.
3. Senior Leader Misconduct
 - a. I reserve the authority to take administrative action, impose non-judicial punishment, and refer court-martial charges against Commissioned Officers, Warrant Officers, and Senior Noncommissioned Officers (NCOs). For purpose of this policy, Senior NCOs are those NCOs in enlisted grade E-8, to include frocked E-7s, and above. This reservation of authority includes the authority to determine that no disciplinary or adverse action is appropriate. For purposes of this subparagraph, disposition includes the referral of court-martial charges and the approval or denial of an offer to plead guilty.
 - b. All alleged offenses recognized under the UCMJ or captured by civilian criminal statute involving Officers and Senior NCOs will be reported through command channels by email to the CG, CASCOM, and the Staff Judge Advocate, within 12 hours after the offense comes to the attention of the chain of command. The report will briefly describe the identity of the individual concerned, the offense alleged to have been committed, any potential victims, unit impact, and interim measures taken by the command. If the complete facts are unavailable at the time of the initial report, an interim report will be

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made which provides additional information. A final report must be submitted as soon as possible to CG, CASCOM, and the Staff Judge Advocate.

c. Allegations of minor misconduct are excluded from this reporting requirement. Minor misconduct includes traffic violations other than driving while intoxicated or impaired. Additionally, minor military infractions such as failure to repair and minor dereliction of duties need not be reported. The CASCOM Staff Judge Advocate will resolve any questions concerning whether an allegation is reportable.

d. This memorandum does not preclude subordinate commanders from initiating investigations for offenses that fall within their purview. It also does not preclude interim measures, such as suspension of favorable action ("flagging"), review of security clearance access, reporting of derogatory information, suspension from a specific duty or position, or interim counseling. Nothing in this memorandum will be construed as a limitation upon the duty of the commander to make independent recommendations regarding appropriate case disposition.

4. Special Courts-Martial. Pursuant to Rule for Courts-Martial (R.C.M.) 401(a), I reserve the authority to convene special courts-martial for all Soldiers who are subject to my jurisdiction. Special Court-Martial Convening Authorities will forward charges with their recommendation as to disposition, though the Office of the Staff Judge Advocate, to me for disposition. Special Court-Martial Convening Authorities retain all other authority not otherwise withheld, to include authority to convene Summary Courts-Martial.

5. Sexual Assault.

a. In accordance with Secretary of Defense Memorandum, Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases, dated 20 April 2012, the authority to initially dispose of certain sexual assault cases (rape, sexual assault, forcible sodomy, and the attempts to commit these offenses) is withheld to SPCMCA's in the rank of O-6 or above. Additionally, the authority to initially dispose of all other sexual misconduct in violation of Article 120, UCMJ is withheld to the SPCMCA level.

b. Authority to initially dispose includes the authority to determine that no disciplinary or other adverse action is appropriate. In individual cases, SPCMCA's may return jurisdiction to a subordinate commander for action as that commander deems appropriate.

6. Collateral Misconduct in Sexual Assault Cases.

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a. The authority to dispose of a victim's collateral misconduct in certain sexual assault cases (qualifying offenses include the alleged offenses of rape, sexual assault, forcible sodomy, and all attempts to commit such offenses in violation of Articles 80, 120, and 125 of the UCMJ) is withheld to the SPCMCA level.

b. Authority to determine, in a timely manner, how to best manage the disposition of alleged misconduct includes making the decision to defer disciplinary actions regarding a victim's alleged collateral misconduct until after the final disposition of the sexual assault case, if appropriate. In individual cases, the appropriate SPCMCA may return jurisdiction to a subordinate commander for action as that commander deems appropriate.

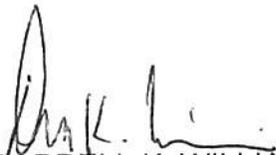
7. Trainee Abuse.

a. The authority to initially dispose of all allegations of Trainee Abuse (defined as prohibited conduct between Cadre/Permanent Party Soldiers and AIT/EIT Trainees) in violation of AR 600-20, Para 4-15(a), TRADOC Regulation 350-6, paragraph 2-6, and DoDI 1304.33, Enclosure 3, paragraph 1(a) is withheld.

b. Authority to dispose includes the authority to determine that no disciplinary or other adverse action is appropriate. In individual cases, I may return jurisdiction to a subordinate commander for action as that commander deems appropriate. Commanders may, upon written request through the SJA, be granted jurisdiction to dispose of cases at their level on a case by case basis.

8. Effective Date. This memorandum is effective upon the date of signature and remains in effect until suspended or rescinded in writing.

9. The POC for this memorandum is the Chief, Military Justice Division, Office of the Staff Judge Advocate at 804-765-1537.


DARRELL K. WILLIAMS
Major General, US Army
Commanding