



DEPARTMENT OF THE ARMY
U.S. ARMY MANEUVER SUPPORT CENTER OF EXCELLENCE
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FORT LEONARD WOOD, MISSOURI 65473-8300

ATZT-CG

24 April 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy 15, Limitation on Exercise of Authority

1. REFERENCES.

- a. Manual for Courts-Martial, 2012 Edition.
- b. Army Regulation (AR) 600-20 (Army Command Policy), 6 November 2014.
- c. Fort Leonard Wood Regulation 525-3 (Installation Command Reporting), 11 August 2011.
- d. Memorandum, Secretary of Defense, 20 April 2012, subject: Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases.

2. PURPOSE. To establish policy and procedures for both the reporting of and disposition of allegations of certain types of misconduct and all misconduct by certain categories of offenders.

3. WITHHOLDING.

a. Pursuant to Rules for Courts-Martial (RCM) 306(a), 401, and 601, and reference 1d, I withhold the authority to dispose of the following:

- (1) all allegations of misconduct committed by Soldiers in the rank of master sergeant (MSG; grade of E-8) and above; and
- (2) allegations of sexual assault committed by Soldiers in the rank of sergeant first class (SFC; grade of E-7) and above. (In accordance with reference 1d, allegations of sexual assault against all other Soldiers are withheld to the special court-martial convening authorities with a rank of at least colonel.)

b. This reservation of authority includes, but is not limited to the following:

- (1) choosing to take no disciplinary action;
- (2) referring charges to court-martial;

ATZT-CG

SUBJECT: Command Policy 15, Limitation on Exercise of Authority

- (3) imposing nonjudicial punishment;
- (4) initiating elimination and separation actions; and
- (5) issuing memoranda of reprimand UP AR 600-37.

c. This reservation of authority does not apply to developmental counseling conducted in the ordinary course of professional development. Additionally, subordinate commanders retain the authority to initiate investigations and suspension actions for Soldiers who fall within this reservation of authority. If there is any doubt about whether an allegation of misconduct falls within this reservation of authority, commanders will consult with their servicing trial counsel.

4. PROCEDURES.

a. Subordinate commanders will report to me via e-mail thru command channels the general nature of the allegations against the individuals described above within 24-hours of the allegation, with copy furnished to the FLW Staff Judge Advocate (SJA), and if the allegation pertains to NCOs, a copy will be furnished to the MSCoE Command Sergeant Major. These reporting requirements do not apply to minor transgressions for which developmental counseling is appropriate. If there is any doubt whether an allegation of misconduct should be reported, commanders will consult with their servicing trial counsel. Allegations of sexual assault shall not be considered minor transgressions.

b. For misconduct other than minor transgressions, commanders will ensure that a thorough investigation is completed and documented, and that the case, including the Officer/Enlisted Record Brief and DA 268 FLAG, is forwarded to me through the Military Justice Division of the Office of the Staff Judge Advocate (OSJA). The chain of command will make recommendations as to final disposition.

c. Once a case is submitted, I will make the final determination whether to handle the case at my level or whether to refer the case back to a subordinate commander for disposition. A subordinate commander may request delegation of final disposition authority in specific cases. Such requests will be in writing, routed through the Military Justice Division of the OSJA, and will articulate both the justifications for the request and the command's proposed plan of action.

5. DEFINITION. For purposes of this command policy, "sexual assault" is defined as conduct or acts that violate Uniform Code of Military Justice (UCMJ) Article 120, UCMJ

ATZT-CG

SUBJECT: Command Policy 15, Limitation on Exercise of Authority

Article 125, assault with the intent to commit rape or sodomy in violation of UCMJ Article 134, and attempts to commit such offenses, in violation of UCMJ Article 80.

6. APPLICABILITY. This policy applies to actions currently under investigation. It does not affect authority to prefer charges in accordance with RCM 307.

7. ADDITIONAL REPORTING. Commanders are reminded of additional reporting requirements contained in FLW Regulation 525-3.

8. SUPERSESSION. This command policy is in effect until superseded or rescinded and supersedes memorandum, HQ MSCoE, 23 August 2013, subject: same as above.

9. PROPONENT. The proponent of this command policy is the Staff Judge Advocate.



KENT D. SAVRE
Brigadier General, USA
Commanding

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