



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION AND FORT BLISS
11685 SERGEANT MAJOR BOULEVARD
FORT BLISS, TEXAS 79918

AFBL-CG

16 MAY 2024

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Letter #7, Military Justice Policy

1. References. See enclosure 1.

2. Purpose. This policy establishes senior leader misconduct notification requirements and outlines General Court-Martial Convening Authority (GCMCA) withholdings in accordance with (IAW) Article 22, UCMJ. This memorandum supersedes all previously issued Fort Bliss regulations, circulars, and policy memoranda to the extent that they conflict with any provision contained in this policy.

3. Applicability. This policy applies to all Uniformed Service Members assigned, attached, or otherwise performing duties at Fort Bliss, Texas, regardless of branch of military service or component (active, guard, reserve) when on active duty, inactive duty for training, or in a duty status under Title 10 of the U.S. Code.

4. Policy. The Uniform Code of Military Justice (UCMJ) reflects our values as an organization. The fair administration of military justice requires the full attention of all commanders to protect the rights of our Soldiers, ensure justice, and maintain good order and discipline in our ranks. Commanders, with the assistance of judge advocates, will exercise independent judgment in each case based on its unique facts and circumstances.

a. Inspections. Nothing in the policy prevents a commander from conducting routine, lawful inspections IAW the limitations contained in Military Rule of Evidence (M.R.E.) 313. The primary purpose of a health and welfare inspection is to ensure the security, military fitness, and good order and discipline of a unit. Commanders should consult frequently with their legal advisors in preparing for and carrying out health and welfare inspections.

b. Reporting and Notification Requirements. Special Court-Martial Convening Authorities (SPCMCA) will report to me as soon as practicable, but no later than 24 hours, after learning of any allegation of misconduct committed by a commissioned officer, warrant officer, or noncommissioned officer in the grade of E-8 or higher or E-7s serving in a first sergeant position. All SPCMCAs will notify me of the suspension of any commander or command sergeant major. Written approval must be obtained from me before relieving any commander or command sergeant major.

Commanders will email reports to me, copying the Deputy Commanding Generals, Chief of Staff, Staff Judge Advocate, and Chief, Military Justice.

c. Preliminary Actions and Pre-Trial Confinement. Commanders have broad military authority, even during an investigation, to take all measures necessary to ensure the health of welfare of their Service Members and the good order and discipline of their command. These measures may include, but are not limited to, issuance of military protective orders, suspending personnel from duty, and imposing conditions on liberty IAW Rule for Court-Martial (R.C.M.) 304. Commanders will not order Service Members into pre-trial confinement IAW R.C.M. 305 without prior concurrence of both the brigade commander and the SJA.

d. Withholding of Initial Disposition Authority. Pursuant to my GCMCA under Article 22, UCMJ and R.C.M. 306, 401, and 601, I withhold authority to dispose of the following types of cases, unless further delegated:

(1) Cases Involving Allegations of Senior Leader Misconduct. Any alleged misconduct or other adverse allegation against an officer, warrant officer, or noncommissioned officer in the grade of E-8 or above or E-7s serving in a first sergeant position. Adverse allegations include acts or omissions that are derogatory, unfavorable, or of a nature that reflects clearly unacceptable conduct, integrity, or judgment on the part of the individual, not minor professional indiscretions (e.g., late to a meeting). This withholding does not, however, prevent commanders from conducting developmental counseling or addressing minor transgressions, issuing referred evaluations reports, or suspending/relieving personnel subject to the reporting and notification requirements in paragraph 4b, above.

(2) Mandatory Issuance of General Officer Memorandum of Reprimand (GOMOR). I will issue a GOMOR to any Service Member for misconduct involving a firearm, in violation of Fort Bliss Regulation 27-5, Chapter 3 and for all DWI offenses.

e. Reservation of Initial Disposition Authority to SPCMCA's. I withhold initial disposition authority from all subordinate commanders who do not possess at least SPCMCA under Article 23, UCMJ and who are not in the grade of O-6, Colonel or higher, in the following types of cases not withheld by paragraph 4d above. This authority cannot be further delegated.

(1) Any misconduct allegation against an enlisted member in the grade of E-7, if the Servicemember is not serving in a first sergeant position.

(2) UCMJ action involving a firearm by a Soldier in the grade of E-7 or below,

including the failure to properly register, store, and/or transport the firearm. This withholding does not include the authority to refer or dismiss court-martial charges.

(3) A second or subsequent incident of alleged domestic violence, if committed before 27 December 2023. Incidents of alleged domestic violence, if committed on or after 27 December 2023, are covered offenses within the sole authority of the Office of the Special Trial Counsel.

(4) Any assault upon a commissioned, warrant, or noncommissioned officer, as the offense is defined in reference 2 (Article 128, UCMJ).

(5) Any assault upon a sentinel or lookout in the execution of duty, or upon a person in the execution of law enforcement duty, as the offense is defined in reference 2 (Article 128, UCMJ).

f. Referral to general and special courts-martial. I withhold authority to refer Charges to a general court-martial or special court-martial. SPCMA's retain referral authority to military judge alone special courts-martial under Article 16(c)(2)(A), UCMJ.

g. Reservation of Initial Disposition Authority to Summary Court-Martial Convening Authorities (SCMCA). Pursuant to my GCMCA under Article 22, UCMJ and R.C.M. 306, 401, and 601, I withhold initial disposition authority from all subordinate commanders who do not possess at least SCMCA under Article 24, UCMJ and who are not in the grade of O-4, Major or higher, in the following types of cases not withheld by paragraphs 4d and 4e above. This authority cannot be further delegated.

(1) All cases, involving or related to the completion or attempt of illegal trafficking, importation, distribution, manufacture, possession, use, conspiracy, or sale of a controlled substance prohibited by regulation, state law, or Federal law.

(2) Domestic violence. All first-time incidents of alleged domestic violence, if committed before 27 December 2023. Incidents of alleged domestic violence, if committed on or after 27 December 2023, are covered offenses within the sole authority of the Office of the Special Trial Counsel.

h. Unlawful Command Influence. Commanders will not attempt to unlawfully influence the fair and impartial administration of justice. Leaders must conduct themselves at all times in a way that ensures that Soldiers, victims, and the American people have full faith in the fairness of our disciplinary proceedings under the UCMJ. Fairness to the accused does not prevent Army leaders from appropriately condemning and eradicating malignant behavior from our formations.

AFBL-CG
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5. This policy is effective immediately and remains in effect until superseded or rescinded.

6. The point of contact for this memorandum is the Chief, Military Justice at 915-744-6949.

Encl
1. References



JAMES P. ISENHOWER III
Major General, USA
Commanding

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References.

1. James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Public Law 117-263, 23 December 2022
2. Manual for Courts-Martial, 2024.
3. Secretary of Defense Memorandum, Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases, April 2012
4. Army Regulation 27-10, Military Justice, 20 November 2020
5. Fort Bliss Regulation (FBR) 27-10, Military Justice, 18 November 2016
6. Fort Bliss Regulation (FBR) 27-5, Prohibited Conduct, 26 April 2019