



DEPARTMENT OF THE ARMY  
HEADQUARTERS  
JOINT TASK FORCE-SOUTHERN BORDER  
FORT HUACHUCA, ARIZONA

AFDR-CG

14 March 2025

MEMORANDUM FOR Joint Task-Force Southern Border Personnel

SUBJECT: Policy Memorandum #4: Senior Leader Misconduct Notification Requirements and Withholding of Authority to Dispose of Certain Misconduct

1. References.

- a. Manual for Courts-Martial, 2024, *as amended*.
- b. AR 27-10, Legal Services: Military Justice, dated 20 March 2024.
- c. AR 600-85, The Army Substance Abuse Program, dated 23 July 2020.
- d. Secretary of Defense Policy Memorandum, "Withholding Initial Disposition Authority Under the Uniform Code of Military Justice (UCMJ) in Certain Sexual Assault Cases," dated 20 April 2012.
- e. ARNORTH Withholding Policy dated 11 March 2025.

2. Scope. This policy applies to all Servicemembers assigned or attached to Joint Task Force-Southern Border (JTF-SB). A leader is anyone who, by virtue of assumed role or assigned responsibility, inspires and influences people by providing purpose, direction, and motivation to accomplish the mission and improve the organization.

3. Notification Requirements.

a. Special Court-Martial Convening Authorities (SPCMCAs) will report any allegation of misconduct committed by a commissioned officer, warrant officer, or Servicemember in the grade of E-8 or E-9, or in the grade of E-7 serving in a First Sergeant position to me as soon as practicable, but no later than 24 hours of learning of the allegation.

b. SPCMCAs must notify me before temporarily suspending, and/or permanently relieving from duties, any commissioned officer, warrant officer, or enlisted Servicemember in the grade of E8 or E9, or in the grade of E-7 serving in a First Sergeant position.

c. Commanders will notify me in accordance with paragraphs 3a and/or 3b above via e-mail, copying the Deputy Commanding Generals, Chief of Staff, and Staff Judge



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Advocate. Concurrently, the Brigade Judge Advocate will notify the following: Chief, Military Justice; and Chief, Administrative Law.

4. Withholdings.

a. Offenses withheld to the Office of Special Trial Counsel (OSTC). OSTC is statutorily required to determine whether an allegation, investigation, or misconduct includes a "covered offense"<sup>1</sup> and whether to exercise authority over any such misconduct. Once OSTC determines a covered offense exists, OSTC may exercise authority over any known and related offenses. This authority includes any known or related offenses allegedly committed by an accused, a victim, or a witness to a covered offense. The command does not have disposition authority over a covered offense, known offense, or related offenses until OSTC defers the misconduct back to the command for disposition.

b. Senior Leader Misconduct. For noncovered offenses, and covered offenses in which OSTC has deferred, I withhold authority to dispose of all allegations of misconduct committed by commissioned officers, warrant officers, or enlisted Servicemembers in the grade of E-8 or E-9, or in the grade of E-7 serving in a First Sergeant position. This includes the authority to dispose of such cases under Article 15, UCMJ, initiate administrative separations, issue letters of concern or reprimand, approve or disapprove findings and recommendations for any formal or informal investigations under the provisions of AR 15-6, and approve final reliefs-for-cause. Subordinate commanders retain authority to conduct performance-based counseling, initiate and conduct (but not finally approve) an investigation into senior leader misconduct under provisions of AR 15-6, temporarily suspend Servicemembers from duty positions, and prefer charges in accordance with Rules for Courts-Martial (RCM) 307.

c. Standing Rules for the Use of Force Violations. When a commander is made aware of a suspected Standing Rules for the Use of Force (SRUF) violation, the SPCMCA will notify me of the alleged violation as soon as possible.

d. Withholdings held to SPCMCA's. Subject to paragraphs 3a & 3b above, only SPCMCA's may dispose of allegations of misconduct committed by a Servicemember in the grade of E-7 and, if deferred by OSTC, all allegations of a second or subsequent incident of domestic violence. This authority cannot be further delegated. SPCMCA's in the grade of O-6, if deferred by OSTC, are the initial disposition authority for rape, sexual assault, and attempts to commit any of these offenses. SPCMCA are the

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<sup>1</sup> "Covered Offenses" include violations of: Article 117a – Wrongful broadcast / distribution of intimate visual images; Article 118 – Murder; Article 119 – Manslaughter; Article 119a – Death/injury of unborn child; Article 120a – Deposit of obscene matter in mail; Article 120 – Rape and sexual assault; Article 120b – Rape and sexual assault of a child; Article 120c – Other sexual misconduct; Article 125 – Kidnapping; Article 128b – Domestic violence; Article 130 – Stalking; Article 132 – Retaliation; Article 134 – Child Pornography; and any attempts, solicitation, or conspiracy to commit covered offenses.



appointing and approving authority for all negligent discharge investigations. SPCMCAs must notify me of negligent discharges and cc the SJA.

e. Withholdings held to Summary Court-Martial Convening Authorities (SCMCA). Subject to paragraphs 5a & 5b above, only SCMCAs may dispose of allegations of drug and alcohol related misconduct and, if deferred by OSTC, first-time domestic violence incidents. This authority cannot be further delegated. Additionally, if deferred by OSTC, SCMCAs in the grade of O-5 are the initial disposition authority for all other UCMJ Article 120 offenses not explicitly covered by reference d.

f. Army Adverse Information Program (AAIP). I withhold the authority to determine whether approved findings against commissioned officers as part of an AR 15-6 investigation are adverse as defined in AR 15-6, Glossary. I further withhold the AAIP filing decision in accordance with Army Directive 2023-03.

g. On-the-Spot Corrections. I expect leaders to educate themselves on current service standards governing regulations for grooming, uniform wear, military customs and courtesies, and the appropriate means and methods of issuing on-the-spot corrections. To ensure leaders have the space and freedom to make on-the-spot corrections, I am withholding to my level all investigations and initial disposition of all allegations of misconduct against a leader while they are making an on-the-spot correction. For this policy, "leaders" are defined as noncommissioned officers (corporal and above) and officers. This withholding includes, but is not limited to, the following:

(1) Where an allegation against a leader making an on-the-spot correction is made to the command, I withhold the initiation, approval, and initial disposition of all command-directed investigations normally referred to as commander's inquiries, RCM 303 preliminary inquiries, or Army Regulation 15-6 investigations.

(2) Where an allegation against a leader making an on-the-spot correction is made to the Office of the Inspector General, I withhold at my level the initiation, approval, and initial disposition of such allegations.

(3) Where an allegation against a leader making an on-the-spot correction falls into the purview of military law enforcement, I withhold at my level the initial disposition of such allegations once military law enforcement has completed their investigation.

(4) Where an allegation against a leader making an on-the-spot correction results in an informal or formal Sexual Harassment complaint, I withhold at my level the initiation, approval, and initial disposition of such allegations. The appellate authority for these matters is the service component command.

(5) Where an allegation against a leader making an on-the-spot correction results in an Equal Opportunity complaint, I withhold at my level the initiation, approval, and

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initial disposition of such allegations. The appellate authority for these matters will be the service component command.

5. Requests for Remand of Jurisdiction. Subordinate commanders may request retention of jurisdiction to dispose of the misconduct described in this policy. All such requests will be in writing and sent through the Staff Judge Advocate to the GCMCA.

6. Commanders at all levels are reminded that under the provisions of RCM 306(a), no superior authority, including the undersigned, can direct or influence them to choose a particular disposition or recommendation for offenses of which jurisdiction has not been withheld.

7. The point of contact for this memorandum is the Staff Judge Advocate at 315-921-1112.

A handwritten signature in dark ink, appearing to read "Scott M. Naumann", followed by a long horizontal line extending to the right.

SCOTT M. NAUMANN  
Major General, USA  
Commanding