

United States Army Training Center & Fort Jackson Supplement 1 to Army Regulation 27-10

**DEPARTMENT OF THE ARMY
Headquarters, United States Army Training Center
& Fort Jackson
2400 Jackson Boulevard
Fort Jackson, SC 29207-5015**

**USATC&FJ Supplement 1 to
AR 27-10, Military Justice**

**Legal Services
Military Justice**

1. **PURPOSE AND SCOPE.** This regulation supplements AR 27-10, Military Justice, dated 20 November 2020. The purpose of this regulation is to furnish guidance and establish responsibilities for the administration of military justice and administrative actions within the general court-martial (GCM) jurisdiction of the United States Army Training Center and Fort Jackson (USATC&FJ).

2. **APPLICABILITY.** This regulation applies to all personnel assigned or attached to USATC&FJ for UCMJ jurisdiction and administrative actions. Further supplementation of this regulation by subordinate commanders is prohibited, unless expressly permitted by the Commander, USATC&FJ, and subject to the following:

a. The Commander, USATC&FJ, is a General Court-Martial Convening Authority (GCMCA) pursuant to Headquarters, Department of Army General Order Number 2010-03, dated 23 March 2010.

b. USATC&FJ subordinate units that are tenants of an installation other than Fort Jackson, South Carolina are subject to the General Court-Martial (GCM) jurisdiction of the installation commander for that remote installation. The Commanding General, USATC&FJ, maintains concurrent GCM jurisdiction over all units and personnel under his command regardless of location.

3. **POLICIES.** Army Regulation AR 27-10, dated 20 November 2020, is supplemented as follows on the effective date of this supplement. This supplement supersedes USATC&FJ Supplement 1 to AR 27-10, Military Justice, dated 1 June 2016, which is hereby rescinded.

Page 1, paragraph 1-1. Purpose. Add the following:

The policies and limitations herein are not intended to impose jurisdictional requirements or procedural prerequisites on court-martial or nonjudicial punishment proceedings, and are not intended to confer rights upon any accused. In the event that AR 27-10 is superseded or any provision of this regulation is rendered inoperable by regulation or law,

unaffected parts of this document will remain in effect. The provisions of this supplement will continue to remain applicable despite changes in page and paragraph numbers in the basic regulation.

Page 1. Chapter 1. Introduction. Add paragraph 1-6.

1-6. Assistance to Summary Court Officers

Officers appointed as Summary Courts-Martial (SCM) Officers must contact the Administrative Law Division of the Office of the Staff Judge Advocate (OSJA) ((803) 751-7323 DSN 734) for advice concerning their duties within 24 hours after appointment.

Page 2, paragraph 2-4. Grants of immunity. Add subparagraph e.

e. The authority to issue leniency or grants or promises of immunity to a Soldier assigned or attached to the USATC&FJ (see Rule for Courts-Martial 704) is limited to the Commanding General or General Court-Martial Convening Authority, USATC&FJ. No subordinate commander will solicit evidence or information during an investigation of any offense under the Uniform Code of Military Justice in exchange for any promise of immunity or leniency. Any request for a grant of immunity or leniency must be forwarded by the accused's Special Court-Martial Convening Authority (SPCMCA) to the Chief of Military Justice, OSJA, USATC&FJ.

Page 6, Paragraph 3-7. Who may impose nonjudicial punishment. Add subparagraph e(1-4).

e(1). Commanders will not impose nonjudicial punishment under Article 15, UCMJ, for any offense that is pending trial, or has been tried, in any state or federal criminal court. Commanders may seek an exception from the Commander, USATC&FJ, for nonjudicial punishment for a case tried by civilian authorities. Commanders should coordinate with their servicing Military Justice Advisor to determine whether civilian authorities are exercising jurisdiction.

e(2). The Commander, United States Army Soldier Support Institute (USASSI), retains the authority to issue administrative reprimands and impose nonjudicial punishment relating to all categories of personnel assigned to USASSI if the Commander, USASSI, is a General Officer. If the Commander, USASSI, is frocked to brigadier general, see AR 600-37, paras. 3-5a-b, or AR 27-10, para. 3-7c(1), as appropriate.

e(3). This supplement does not supersede local installation withholding policies of installations with area jurisdiction as defined by AR 27-10, Appendix K.

e(4). Company commanders, regardless of rank, are limited to company grade officer punishments as indicated in AR 27-10, table 3-1.

Page 31, Paragraph 5-14. Reports, Investigations, Subpoenas. Add subparagraph e.

e. When investigating an allegation of improper or illegal behavior, the immediate commander must promptly initiate suspension of favorable action IAW AR 600-8-2 (i.e., a flagging action). If the flagging action will result in a Soldier being retained beyond his ETS date, the immediate commander must notify the servicing MJA and request an extension from the servicing battalion S-1.

Page 34, Paragraph 5-21. Pretrial confinement. Add subparagraphs e-l.

e. Pretrial confinement is not authorized until the USATC&FJ SJA is notified and concurs with the request to place the accused in pretrial confinement. Coordination normally will be accomplished by the unit's servicing MJA through the Chief of Military Justice.

f. The accused's immediate commander must consult with the servicing MJA on pretrial confinement procedures.

g. The commander ordering pretrial confinement must provide the servicing MJA with all evidence pertaining to the alleged offenses. The commander ordering pretrial confinement must also complete DA Form 5112-R, Checklist for Pretrial Confinement, and must include the following information:

- (1) Why the commander believes the accused committed an offense;
- (2) Why confinement is necessary to ensure the accused's presence at trial; or
- (3) How confinement will prevent further serious misconduct by the accused; and
- (4) Why restriction or other less severe forms of restraint are not sufficient.

h. A commander who places an accused in the status of arrest in quarters or restriction in any form pending charges must immediately notify the servicing MJA. The notification must include: (1) the date restriction was imposed; and (2) the conditions of the restriction.

i. Any type of revocation of pass privileges, restriction, or arrest in quarters imposed by a commander should be in writing. If a commander imposes any pass revocation, restriction, or arrest in quarters orally or through a subordinate, the commander should issue a written order as soon as practicable.

j. Commanders must maintain contact with Soldiers in pretrial confinement (military and civilian) to ensure the confinee's safety, welfare, and morale.

(1) Subject to confinement facility procedures, company commanders or first sergeants personally must visit their Soldiers placed in pretrial confinement in a military or civilian facility located within a 150-mile radius within the first thirty (30) days of confinement. Thereafter, commanders, first sergeants, executive officers, other members

of the chain of command, or supervisors personally must visit confinees every thirty days. Commanders also should contact the Soldier by telephone at least once a month.

(2) Subject to confinement facility procedures, company commanders with a Soldier in civilian pretrial confinement should telephonically contact their Soldiers at least once during the first thirty days of confinement. Thereafter, company level commanders, first sergeants, executive officers should continue to telephonically contact confinees at least once a month.

k. Guards. At least two guards must be assigned from the parent unit for each pretrial or post-trial confinee to be transported. Both guards must be mature, responsible individuals, with no record of adverse incidents or personal friendship or involvement with the confinee. Guards must be physically capable of restraining the confinee. The senior guard must be a non-commissioned officer, and both guards must be senior in rank to the confinee. At a minimum, one of the guards must be the same sex as the confinee. If the confinee is an officer, at least one of the guards must be an officer senior to the confinee. Guards are responsible for maintaining control of the confinee at all times, to include in the courtroom, at the defense counsel's office, or in the latrine. Guards must never violate attorney-client confidentiality or intrude upon the attorney-client relationship. Guards must permit a confinee to consult privately with his attorney behind closed doors and generally must respect the right of a confinee to consult privately with his attorney.

l. Escorts for an accused. Two escorts assigned from the accused's parent unit must take an accused not in pretrial confinement to the courtroom on the day of trial. The escorts must accompany the accused into the courthouse and must remain with the accused unless the accused is conferring with members of the defense team, in which case the escorts must afford the accused the same confidentiality described in subparagraph k above. Since escorts immediately will assume guard duty in the event an accused is sentenced to confinement, escorts must meet the qualifications for guards established in subparagraph k above. A Soldier is deemed to be in post-trial confinement at the moment the military judge announces a sentence that includes confinement.

Page 32, Paragraph 5-16. Investigative subpoenas. Add paragraph h.

h. The SJA may authorize all subpoenas duces tecum on behalf of the Commander, USATC&FJ.

Page 35, Paragraph 5-22. Preparation of charge sheet. Add paragraph c.

c. All charges must be entered onto a DD Form 458 and must be reviewed and approved by the Chief of Military Justice before referral.

Page 37, Paragraph 5-19. Referral of charges. Add subparagraph d and e.

d. Convening authorities subordinate to the general court-martial convening authority of the Commander, USATC&FJ, are as indicated in Appendix A to this supplement.

e. The Commander, USATC&FJ, delegates to the SJA, Deputy SJA (DSJA), Chief of Military Justice, legal administrator, chief paralegal NCO, and military justice NCOIC the authority to sign and execute block 14 of DD Form 458, referral action.

Page 36, Paragraph 5-32. Preliminary procedures for courts-martial. Add to subparagraph c.

c. The Commander, USATC&FJ, delegates to the SJA the authority to excuse no more than one third of the court-members prior to assembly in accordance with R.C.M 505(c).

Page 46, Paragraph 5-49. Convening authority clemency action. Add subparagraph h.

h. The authority to sign the order directing post-trial confinement is delegated to any Trial Counsel, MJA, the Chief of Military Justice, the DSJA, and the SJA.

Page 102, Paragraph 19-10. Determination of sufficiency. Add subparagraph c.

c. Any commissioned officer who receives an Article 138 complaint must immediately contact the Administrative Law Division of the OSJA ((803)751-7323 (DSN 734)) for a briefing.

Page 112, Paragraph 23-5. Misdemeanors. Add subparagraph g.

g. The Federal Magistrate Court and Fort Jackson. As provided in subparagraph f, an agreement has been coordinated with the United States Attorney's Office for the District of South Carolina and the Chief Judge of the Federal Magistrate Court for the District of South Carolina. The agreement delineates responsibilities for adjudicating petty traffic and misdemeanor offenses, to include Driving Under the Influence (DUI) on Fort Jackson. In practice, Soldiers who receive citations for such offenses must be handled as follows:

(1) To ensure impartial judicial determination, disposition, and effective law enforcement, and to implement Department of Defense Instruction 6055.4, dated 2 April 2010, commanders will not impose nonjudicial punishment or prefer charges under the UCMJ for on-post traffic offenses, including driving under the influence (DUI), without prior approval of the Commander, USATC&FJ. Requests to the Commander, USATC&FJ must originate with the Soldier's SPCMCA, and be forwarded through the Office of the Staff Judge Advocate (OSJA), USATC&FJ.

(2) Commanders will not impose nonjudicial punishment or prefer charges under the UCMJ for off-post misconduct over which a civilian agency has asserted criminal jurisdiction without first coordinating through the unit MJA with the CMJ, USATC&FJ. This includes traffic related offenses and DUI.

4. These changes remain in effect until rescinded or further modified.

5. The proponent agency of this supplement is the OSJA, USATC&FJ. Send suggestions for improvements directly to the OSJA, ATTN: ATZJ-CL, USATC&FJ, Fort Jackson, South Carolina 29207.



PATRICK R. MICHAELIS
Brigadier General, USA
Commanding

Appendix A

Subordinate Courts-Martial Convening Authorities

The following are the Special Courts-Martial Convening Authorities (SPCMCAs) subordinate to the general court-martial convening authority of the Commanding General, USATC&FJ:

- a. Commander, U.S. Army Soldier Support Institute;
- b. Commander, 165th Infantry Brigade;
- c. Commander, 193d Infantry Brigade;
- d. Commander, Leader Training Brigade;
- e. Commander, U.S. Army Medical Department Activity (MEDDAC);
- f. Commander, United States Army Garrison, Fort Jackson