



**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, UNITED STATES ARMY TRAINING CENTER AND FORT JACKSON  
2400 JACKSON BOULEVARD  
FORT JACKSON, SOUTH CAROLINA 29207-5015

ATZJ-CG

SEP 20 2021

**MEMORANDUM FOR RECORD**

**SUBJECT:** Fort Jackson Policy Memorandum #12 – Uniform Code of Military Justice (UCMJ) Withholding and Notification Policy

**1. References:**

- a. Manual for Courts-Martial, United States, R.C.M. 306 (2019).
- b. Army Regulation (AR) 600-20 (Army Command Policy).
- c. AR 600-85 (The Army Substance Abuse Program).
- d. Secretary of Defense memorandum (Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases), 20 April 2012.

2. This withholding policy is effective immediately. All previous withholding policies are rescinded. This withholding policy will expire only when rescinded by the Commander, USATC&FJ, or a higher authority.

3. Nothing in this policy prevents subordinate commanders from preferring charges they believe warrant trial by court-martial. No commander may enact a policy that prevents subordinate commanders from preferring charges they believe warrant trial by court-martial. Furthermore, nothing in this policy prevents commanders from investigating allegations, as appropriate. Commanders will investigate allegations of misconduct within their respective formations unless law enforcement has primary investigative responsibility or a superior commander appoints an investigation into the matter.

**4. Senior Leader Misconduct.**

a. I withhold initial disposition authority with respect to allegations of misconduct committed by commissioned officers, warrant officers, and noncommissioned officers in the grade of E-8 and above. I also withhold disposition authority for noncommissioned officers below the grade of E-8 who are assigned to, and serving in, first sergeant positions.

b. Special Courts-Martial Convening Authorities may request authority, on a case-by-case basis, to dispose of allegations of misconduct by withheld by me. All requests shall be made in writing.

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5. Notification Requirements. Special Courts-Martial Convening Authorities will notify me immediately via email, including on the cc line the ATC Chief of Staff, ATC Command Sergeant Major, Staff Judge Advocate, Deputy Staff Judge Advocate, and Chief of Justice, upon discovery of either of the events specified in subparagraphs (a) and (b) below. Notification will include the 5Ws regarding the incident, an initial plan of action, and a copy of the subject's ERB/ORB. This notification is in addition to any reporting required through operational channels.

a. Any credible allegation of misconduct made against a senior leader as identified in paragraph 4a above.

b. The suspension of a subordinate commander, command sergeant major, or first sergeant.

6. Other Withholdings. I direct withholding of initial disposition authority as described in the following subparagraphs.

a. The following are withheld to Special Courts-Martial Convening Authorities:

(1) Alleged violations of AR 600-20, para 4-15c(1), dated 24 July 2020, Other Prohibited Relationships, and TRADOC Regulation 350-6, para 2-5d, dated 9 August 2019, Trainee Abuse and Prohibited Practices.

(2) Alleged violations of Article 93a, UCMJ, Prohibited Activities with Military Recruit or Trainee by Person in Position of Special Trust, and Article 132, UCMJ, Retaliation.

(3) In accordance with Reference 1d, initial disposition authority is withheld to special court-martial convening authorities in the grade of O-6 or higher with respect to all allegations of rape, sexual assault, forcible sodomy, and all attempts of the same.

b. The following are withheld to Summary Courts-Martial Convening Authorities:

(1) Allegations of sexual misconduct under Articles 120, 120a, 120b, and 120c, UCMJ, as well as Article 125, UCMJ, prior to 1 January 2019, not otherwise withheld to a higher authority.

(2) Allegations of domestic violence in violation of Article 128b, UCMJ, Domestic Violence.

(3) Allegations involving drugs or firearms.

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7. The point of contact for this memorandum is the Chief of Justice, USATC&FJ, at (803) 751-5349.



PATRICK R. MICHAELIS  
Brigadier General, U.S. Army  
Commanding