



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

ATZJ-CG

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.
- b. Army Regulation 600-20 (Army Command Policy).
- c. Army Regulation 600-32 (Conduct Between Soldiers of Different Grades).
- d. Army Regulation 600-85 (The Army Substance Abuse Program).
- e. Army Directive 2018-16 (Suitability Criteria for Military Personnel in Specified Positions).
- f. Training and Doctrine Command Regulation 350-6 (Enlisted Initial Entry Training Policies and Administration).
- g. Fort Jackson Policy Memorandum #37 (Prohibited Social Media Use).

2. This withholding policy is effective immediately. All previous withholding policies are rescinded. This policy will expire only when rescinded by the Commander, United States Army Training Center (ATC) and Fort Jackson, or a higher authority.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. Nothing in this policy modifies requirements for the mandatory initiation of separation or other requirements in Army regulations.

ATZJ-CG

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

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. Upon completion of all investigations or inquiries into senior leader misconduct, I will be notified in writing, regardless of whether the allegations are substantiated.

c. Special Court-Martial Convening Authorities (SPCMCAs) may request authority, on a case-by-case basis, to dispose of allegations of senior leader misconduct. All requests shall be made in writing. The following individuals will be notified by email at the time the request is made: ATC Chief of Staff, ATC Command Sergeant Major, Staff Judge Advocate, Deputy Staff Judge Advocate, Chief of Military Law, and Chief of Military Justice.

5. Drill Sergeant Misconduct.

a. I withhold initial disposition authority with respect to allegations of misconduct committed by drill sergeants.

b. Upon completion of all investigations or inquiries into drill sergeant misconduct, I will be notified in writing, regardless of whether the allegations are substantiated.

c. In the notifications for these investigations or inquiries, the SPCMCAs will notify me of their recommended dispositions. Commanders will only dispose of drill sergeant misconduct in accordance with the recommendations I approve. The following individuals will be notified by email at the time the request for approval is made: ATC Chief of Staff, ATC Command Sergeant Major, Staff Judge Advocate, Deputy Staff Judge Advocate, Chief of Military Law, and Chief of Military Justice.

d. Nothing in this paragraph modifies requirements for suspension or removal under Army Directive 2018-16 or any other requirements in other regulations.

6. Deferred Covered Offenses. After the Special Trial Counsel (STC) has deferred the following substantiated offenses to the command for disposition, these offenses are withheld to my level. All other covered offenses that are deferred by the STC are withheld to the SPCMCAs in accordance with paragraph 8a below.

a. Murder (Article 118, UCMJ).

- b. Manslaughter (Article 119, UCMJ).
- c. Death or injury of an unborn child (Article 119a, UCMJ).
- d. Rape (Article 120, UCMJ).
- e. Sexual Assault (Article 120, UCMJ).
- f. Sexual Assault of a Child (Article 120b, UCMJ).
- g. Kidnapping (Article 125, UCMJ).
- h. Child pornography (Article 134, UCMJ).
- i. All conspiracies, solicitations, or attempts to commit the above-listed offenses.

7. Notification Requirements. SPCMCAs will notify me immediately via email upon discovery of any of the events specified in subparagraphs (a)-(c) below. The notification will include the 5 Ws regarding the incident, an initial plan of action, and a copy of the subject's Soldier Talent Profile. The email notification will include the ATC Chief of Staff, ATC Command Sergeant Major, Staff Judge Advocate, Deputy Staff Judge Advocate, Chief of Military Law, and Chief of Military Justice.

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

- b. Any credible allegation of misconduct made against a drill sergeant.

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

8. Other Withholdings. If not otherwise withheld to a higher authority (e.g., drill sergeant misconduct, senior leader misconduct), I direct withholding of initial disposition authority as described in the following subparagraphs.

- a. The following are withheld to the Special Court-Martial Convening Authority level:

- (1) Sexual harassment. After 1 January 2025, the STC must first defer a substantiated formal complaint of sexual harassment to the command for disposition.

- (2) After the STC has deferred the following substantiated offenses to the command for disposition, these offenses are withheld to the SPCMCA level.

ATZJ-CG

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

(a) All "covered offenses," as defined in Article 1(17), UCMJ, that are not withheld by me in paragraph 6 above. This includes, but is not limited to, abusive sexual contact, domestic violence, stalking, and retaliation.

(b) All conspiracies, solicitations, or attempts to commit covered offenses that are not withheld by me in paragraph 6 above.


b. The following are withheld to the Summary Court-Martial Convening Authority level:

(1) Alleged misconduct involving prohibited drugs. This includes allegations that involve hemp-derived products such as Delta-8-Tetrahydrocannabinol (Delta-8-THC).

(2) Alleged misconduct involving firearms. This does not include any covered offenses for which the STC exercises exclusive authority.

(3) Alleged violations of Fort Jackson Policy Letter #37 for inappropriate social media use.

9. The point of contact for this memorandum is the Chief of Military Justice at (803) 751-5835.


DARYL O. HOOD
Major General, U.S. Army
Commanding