



DEPARTMENT OF THE ARMY
1ST INFANTRY DIVISION AND FORT RILEY
580 1ST DIVISION ROAD
FORT RILEY KANSAS 66442

AFZN-CG

COMMANDER'S POLICY MEMORANDUM # 12

SUBJECT: Senior Leader Misconduct Notification Requirements and Withholding of Disposition Authority

1. References.

- a. Manual for Courts-Martial
- b. Army Regulation 190-5 (Motor Vehicle Traffic Supervision)
- c. Army Regulation 27-10 (Legal Services: Military Justice)
- d. Army Regulation 600-85 (The Army Substance Abuse Program)
- e. Fort Riley Kansas Supplement to Army Regulation 27-10
- f. Army Directive 2023-03 (Army Adverse Information Program)

2. Supersession. This policy supersedes senior leader misconduct notification requirements and withholding procedures previously published in the Fort Riley Kansas Supplement to Army Regulation (AR) 27-10, dated 1 January 2022.

3. Applicability. This policy applies to all Soldiers assigned or attached to Fort Riley or under the jurisdiction of the Fort Riley or 1st Infantry Division General Court-Martial Convening Authority (GCMCA).

4. Notification Requirements.

a. Allegations. Within 24 hours of initial notice, Special Court-Martial Convening Authorities (SPCMCAs) will report any allegation of misconduct by a commissioned officer, warrant officer, sergeant major, first sergeant (to include any sergeant first class serving in a first sergeant position), master sergeant, and any allegation against a SHARP representative, to the GCMCA, copying the Staff Judge Advocate (SJA) and the reporting commander's servicing judge advocate. Notification shall include the Soldier's full name, rank, a brief description of the allegation, the measures being taken by the immediate commander, and if possible, the estimated date of completion of any investigation or inquiry. This reporting requirement is in addition to any SIR/CCIR

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reporting required through command channels. It is not intended to replace any command channel reporting requirements. Notification shall be in email format.

b. Suspensions. Barring unique circumstance where time is of the essence, prior to temporarily suspending any commander, command sergeant major, or first sergeant, the SPCMCA will coordinate the decision with the GCMCA through the most readily available means of communication. At the earliest opportunity an email notification will be provided to me, copying the SJA. Nothing in this provision prevents subordinate commanders from temporarily suspending officers or noncommissioned officers in accordance with other regulation or policy after coordination.

5. Withholdings.

a. Senior Leader Misconduct. Disposition decisions of any allegation of misconduct by a commissioned officer, warrant officer, sergeant major, first sergeant (to include a sergeant first class serving in a first sergeant position), master sergeant, and SHARP representatives are reserved to the GCMCA. Upon completion of an investigation into such misconduct, the entire investigation will be provided to the SJA along with a written request for disposition authority or a recommendation for action. The request will include a record of previous disciplinary actions. The SJA will present the request to the GCMCA for action or release of disposition authority.

b. Army Adverse Information Program (AAIP). 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, and the AAIP filling decision, in accordance with Army Directive 2023-03, are withheld to the GCMCA.

c. Driving Under the Influence (DUI). Jurisdiction over all suspected on-post DUIs and related misconduct is withheld to the GCMCA. I direct all cases involving Soldiers suspected of DUI occurring on the Fort Riley Military Reservation be referred to prosecution by the Special Assistant United States Attorney in United States District Court. Any prosecution action will proceed concurrently with the required processing of an administrative General Officer Memorandum of Reprimand as required by AR 190-5, paragraph 2-7.

d. Offenses Tried in Civilian Court. Commanders are reminded that in accordance with AR 27-10, paragraph 4-2, a person subject to the Uniform Code of Military Justice (UCMJ) who has been tried in a civilian court will not be tried by court-martial or punished pursuant to UCMJ, Article 15 for the same criminal offense or act over which the civilian court has exercised jurisdiction without my prior authorization.

e. Withholdings to Special Court-Martial Convening Authorities (SPCMCA) and Summary Court- Martial Convening Authorities (SCMCA).

(1) *Actions against victims of certain sex related offenses.* Authority to impose punishment or take any disciplinary action in cases of alleged misconduct committed by victims of sexual misconduct offenses (including Article 120, Article 120a, Article 120b, Article 120c, or Article 125 (prior to 1 January 2019) offenses, or any attempts of any of these offenses) who have filed an unrestricted report is reserved to the SPCMCA in the grade of O-6 or higher. This reservation applies only when the victim's alleged misconduct is rationally related to the alleged sexual assault (e.g. underage drinking, violation of barracks visitation policies, fraternization, etc.). Any such proposed disciplinary action must be coordinated with the SJA before proceeding. No action may be taken in such cases unless and until the matter is deferred to the command by the Office of the Special Trial Counsel.

(2) *Sergeants first class, not serving in a first sergeant position.* Only SPCMCA's may dispose of allegations of misconduct committed by a sergeant first class who is not serving in a first sergeant position. This authority may be re-delegated to the SCMCA on a case-by-case basis at the discretion of the SPCMCA. Any such re-delegation shall be in writing.

(3) *Firearm related incidents.* Authority to impose punishment or take any disciplinary action in cases involving firearms, excluding failing to register or improperly storing privately owned weapons, is reserved to the SPCMCA. Authority to impose punishment or take any disciplinary action in cases involving failing to register or improperly storing privately owned weapons is reserved to the SCMCA.

(4) *Sexual harassment allegations.* Authority to impose punishment or take any disciplinary action in cases involving allegations of sexual harassment is reserved to SPCMCA's. This authority may be re-delegated to the SCMCA on a case-by-case basis at the discretion of the SPCMCA. Any such re-delegation shall be in writing.

(5) *Domestic violence allegations.* Authority to impose punishment or take any disciplinary action in cases involving allegations of domestic violence is reserved to SPCMCA's. This authority may be re-delegated to the SCMCA on a case-by-case basis at the discretion of the SPCMCA. Any such re-delegation shall be in writing.

(6) *Drug related incidents.* Authority to impose punishment or take any disciplinary action in cases involving allegations of possession or distribution of controlled substances is reserved to SCMCA's.

f. Court-Martial Charges. Nothing in this withholding paragraph prohibits subordinate commanders at any level from preferring and forwarding court-martial

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charges as provided for in the Uniform Code of Military Justice and Manual for Courts-Martial.

6. Commanders at all levels are reminded that under the provisions of Rule of Court-Martial 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 is the 1st Infantry Division Office of the Staff Judge Advocate at 785-239-2217.



MONTÉ L. RONE
Major General, U.S. Army
Commanding General