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Legal Services

Military Justice



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History. This publication is a major revision. Previous supplements are rescinded.

Summary. This supplement prescribes policies and procedures related to the efficient administration of military justice that are unique to the 1st Infantry Division and Fort Riley.

Applicability. This supplement applies to all Army units, organizations, and activities assigned or attached to Fort Riley and/or the 1st Infantry Division.

Proponent. The proponent of this supplement is the 1st Infantry Division and Fort Riley Staff Judge Advocate.

Supplementation. The Office of The Judge Advocate General, Criminal Law Division, 2200 Army Pentagon, Room 3B548, Washington, DC 20310-2200,

approved this supplement to AR 27-10 on 5 November 2015.

Restrictions. Approved for public release; distribution unlimited. Local reproduction is authorized.

Distribution. This publication is available in electronic media only and intended for command levels A, B, C, D, and E.

Army Regulation 27-10, dated 3 October 2011, is supplemented as follows:

1-1. Paragraph 1-4, Responsibilities; add the following paragraph:

d. The 1st Infantry Division (1ID) and Fort Riley, Kansas (FRKS) Staff Judge Advocate (SJA) is responsible for the supervision and administration of military justice within the 1ID on Fort Riley. The SJA has sole authority over the assignment of all Army Judge Advocate officers, paralegals, and court reporters at Fort Riley. Army Judge Advocates, paralegals, and court reporters will not be assigned duties which, in the opinion of the SJA, are inconsistent with their Military Occupational Specialties (MOS).

1-2. Paragraph 3-4, Personal exercise of discretion; add the following paragraph:

d. Initial disposition for all allegations of rape and sexual assault (UCMJ Article 120), forcible sodomy (UCMJ Article 125), and attempts to commit any of these offenses (UCMJ Article 80), is withheld from commanders who are not both in the grade of O-6 or higher and a special court-martial convening authority (SPCMCA). Initial disposition includes no action, administrative action, nonjudicial punishment, disposition of charges, and forwarding of charges. This withholding of initial disposition authority also applies to all other alleged offenses arising from or related to the original allegation or attempt, whether committed by the suspect or the alleged victim. The withholding of initial disposition authority in this paragraph does not prohibit the referral of charges by subordinate commanders below the grade of O-6 who are not SPCMCA. The withholding of initial disposition authority does not relieve subordinate commanders from the requirement to take immediate actions in the event of a sexual assault allegation that may include, but are not limited to, ensuring the victim receives appropriate medical care, responding to victim requests for expedited transfer, issuing protective orders, approving search authorizations, and coordinating with investigators.

1-3. Paragraph 3-7d, Who may impose nonjudicial punishment; add the following sentence:

The authority to impose punishment under Uniform Code of Military Justice (UCMJ) Article 15 for violations of UCMJ Article 111 committed on FRKS, and for any second violation of UCMJ Article 112a, is limited to SPCMCA. This limitation of authority does not create a requirement to dispose of violations of Articles 111 or 112a in any particular way, nor does it require that nonjudicial punishment be considered for violations of these UCMJ articles.

1-4. Paragraph 3-8a, Persons on whom nonjudicial punishment may be imposed; add the following sentence:

The commanding general, 1ID and FRKS, (CG), withholds the authority to issue reprimands to, to impose punishment on, and to relieve for cause, all officers, all warrant officers, and all enlisted personnel in the grades of E8 and E9. This includes a withholding of the authority to issue the written approval required for the final action to relieve a commander from command under paragraph 2-7, AR 600-20. Subordinate commanders will promptly report any suspected misconduct committed by officers, warrant officers, and enlisted personnel in the grades of E8 and E9 (senior misconduct) through the SPCMCA to the CG, with notice to the SJA. This withholding of authority in senior misconduct cases does not relieve a commander of the responsibility to promptly conduct an inquiry into allegations of misconduct under Rule for Court-Martial 303. On request in appropriate cases, the CG will release the authority to address senior misconduct to subordinate commanders. Requests should be in memorandum format through the SJA.

1-5. Paragraph 4-2, Policy; add the following sentence:

Commanders will not impose punishment under UCMJ Article 15 or prefer charges for any offense that is pending trial or that has been tried by any state or federal criminal court, without prior, written approval from the general court-martial convening authority (GCMCA).

1-6. Paragraph 5-2a, Courts-martial jurisdiction; add the following subparagraph:

(3). Withholding. The GCMCA withholds the authority to convene special courts-martial.

1-7. Paragraph 5-15a, Pretrial confinement; add the following sentence:

Pretrial confinement is not authorized without the prior notification and concurrence of the SJA.

1-8. Paragraph 5-21c, Preliminary procedures; add the following sentence:

The GCMCA has delegated the preassembly excusal authority for no more than one-third of detailed panel members to the SJA.

1-9. Paragraph 5-45a, Service of record of trial on the accused; add the following at end of first sentence:

Qualifying victims, as defined in R.C.M. 1103(g)(3)(A), shall be served a copy of the record of trial in the same manner as the accused.

1-10. Paragraph 17-10, Rights of crime victims; add the following subparagraphs:

- (8) The right to proceedings free from unreasonable delay.
- (9) The right to be reasonably heard at any of the following:
 - (a) A public hearing concerning the continuation of confinement prior to trial of the accused;
 - (b) A sentencing hearing related to the offense;
 - (c) During clemency proceedings.

1-11. Paragraph 17-12, Medical, financial, legal, and social services; add the following paragraph:

e. Victims of rape, sexual assault, forcible sodomy, and attempts to commit these crimes (sex-related offenses), whether they make a restricted or unrestricted report, are entitled to the legal assistance services of a Special Victim Counsel (SVC). SVC services are provided through the legal assistance office of the Fort Riley OSJA. Victims of sex-related offenses shall be offered the option of receiving assistance from a SVC upon report of an alleged sex-related offense or at the time the victim seeks assistance from a sexual assault response coordinator, a sexual assault victim advocate, a military criminal investigator, a victim/witness liaison, a trial counsel, a healthcare provider, or any other personnel designated to assist victims after the report of a sexual assault.

1-12. Paragraph 23-1, Scope; add the following paragraph:

c. U.S. District Court on Fort Riley, Kansas, is located in Room 127 of Building 216, Custer Avenue (Clausen Hall).