



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY JAPAN & I CORPS (FORWARD)  
UNIT 45005  
APO AP 96343-5005

24 JUL 2015

APAJ-JA

COMMAND POLICY MEMORANDUM 15-04

FOR SEE DISTRIBUTION

SUBJECT: Administration of Certain Uniform Code of Military Justice (UCMJ) Matters within U.S. Army Japan

1. Applicability. This policy applies to all units, commanders, and Soldiers assigned, attached or present for duty in Japan or otherwise subject to the General Court-Martial Convening Authority (GCMCA) of the Commanding General, United States Army Japan (USARJ) and I Corps (Forward). Tenant units with different technical command lines shall follow this policy unless an exception is granted after coordination with the Office of the Staff Judge Advocate (OSJA), USARJ

2. Special Courts-Martial Convening Authority.

a. Pursuant to the Manual for Courts-Martial (2012 edition), Article 23, and the United States Army Pacific (USARPAC) Regulation 27-10, dated 12 December 2011, the Commander, United States Army Garrison Japan is hereby designated as the Special Court-Martial Convening Authority (SPCMCA) for all Soldiers stationed in, assigned to, or otherwise present for duty in Japan on the islands of Hokkaido, Honshu, Shikoku, and Kyushu.

b. On the island of Okinawa, the Commander, 10th Regional Support Group (RSG) is both the GCMCA and the SPCMCA for all Soldiers stationed in, assigned to, or otherwise present for duty on the island of Okinawa. All actions requiring disposition by a GCMCA or SPCMCA will be forwarded to the Commander, 10th RSG for disposition. Tenant units with different technical command lines shall follow this policy.

3. Summary Court-Martial Convening Authority. Battalion level commanders or commanders of a detached company may convene Summary Courts-Martial (SCM) unless this authority is withdrawn or otherwise limited.

4. Withhold Policy. Pursuant to the Manual for Courts-Martial (2012 edition), Rules for Courts-Martial 306(a), Army Regulation 27-10, paragraphs 3-4 and 3-7d, 3 October 2011, and USARPAC Regulation 27-10, 12 December 2011, I withhold from subordinate commanders the authority to dispose of alleged offenses committed by all commissioned officers, warrant officers, and noncommissioned officers in the grade of E-8 and above stationed in, assigned to, or otherwise present for duty in Japan on the

APAJ-JA

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islands of Hokkaido, Honshu, Shikoku, Kyushu and Okinawa. This reservation includes the authority to issue reprimands, relieve for cause, administer non-judicial punishment under Article 15, Uniform Code of Military Justice, and convene courts-martial. Requests for exceptions to this policy will only be granted by me and should be staffed through the Office of the Staff Judge Advocate (OSJA), USARJ.

5. Sexual Assault Allegations:

a. I withhold disposition authority to the SPCMCA in the rank of colonel for all alleged violations of Article 120, 120a, 120b, 120c, and 125 of the Uniform Code of Military Justice (UCMJ) in which probable cause has been determined to exist. Additionally, this withholding applies to all attempts to commit such offenses in violation of Article 80, UCMJ, and also applies to any alleged collateral misconduct arising from or relating to the same incident/investigation, whether committed by the alleged suspect or victim identified in the investigation. Nothing in this withholding prevents a subordinate commander from exercising their independent discretion and preferring charges if appropriate.

b. The SPCMCA shall be responsible for determining the appropriate disposition, to include whether further action is warrant and, if so, whether the matter should be resolved by court-martial, non-judicial punishment, or adverse administrative action. The SPCMCA's disposition authority shall be reduced to writing after a review of the matters transmitted and consultation with a judge advocate. Subordinate commanders are encouraged to provide their own recommendations regarding disposition.

c. Commanders who receive information that any of their Soldiers may have committed an offense in violation of Articles 120, 120a, 120b, 120c, and 125 of the UCMJ will immediately report the information to the United States Army Criminal Investigation Command (CID) and alert the OSJA. This reporting is in addition to and does not take the place of any other required sexual assault reporting. If the nature of the misconduct does not fall within the purview of a law enforcement activity (CID, MPI, JNP), commanders should consult with the OSJA and initiate their own inquiry or allegation into the alleged misconduct.

6. Actions upon learning of senior leader misconduct. Commanders who receive information that one of their subordinate commissioned officers, warrant officers, or noncommissioned officers in the grade of E-8 and above may have committed misconduct should conduct a brief preliminary inquiry after coordinating with the OSJA, USARJ to determine the circumstances of the alleged offense(s). If there is any credible evidence of misconduct, inform me immediately. Commanders will then coordinate through command channels to expeditiously forward all available evidence and their recommended disposition to the OSJA, USARJ. Commanders may request

APAJ-JA

SUBJECT: Administration of Certain Uniform Code of Military Justice (UCMJ) Matters within U.S. Army Japan

that I return the case to them for appropriate action. I will consider each request and make my decision whether or not to return the action on a case-by-case basis.

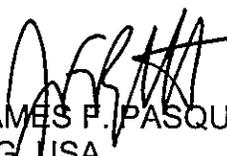
7. Pretrial confinement and restraint. Any commander may order a Soldier into pretrial confinement. Prior to doing so, the commander must coordinate with the Chief of Military Justice or the Deputy Staff Judge Advocate and must obtain the approval of the Special Court-Martial Convening Authority and the Staff Judge Advocate. The authority to order any form of pretrial restraint of commissioned officers, warrant officers, and noncommissioned officers in the grade of E-8 and above is specifically reserved for the Commander, US Army Japan and I Corps (Forward), or a subordinate commander expressly granted this authority.

8. Commanders at all levels are expected and required by law to provide independent recommendations on how misconduct should be addressed. Nothing in this policy statement should be interpreted to suggest that allegations must be disposed of in a particular manner, that predetermined types or amounts of punishment are appropriate, or that adverse action is required in all cases or in any particular case.

9. The OSJA, USARJ and OSJA, 10th RSG is responsible for providing legal advice to commanders and for preparing the necessary documents to implement commanders' decisions in accordance with this policy.

10. This USARJ Command Policy Memorandum supersedes USARJ Command Policy Memorandum 13-02, 29 August 2013, and is effective until rescinded.

11. The point of contact for this policy is the OSJA, USARJ at 263-4574.

  
JAMES F. PASQUARETTE  
MG, USA  
Commanding

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