



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JAPAN
UNIT 45005
APO AREA PACIFIC 96343-5005

APAJ-JA

28 August 2018

COMMAND POLICY MEMORANDUM 18-09

FOR SEE DISTRIBUTION

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

1. References.

- a. Manual for Courts-Martial, 2016 Edition.
- b. Army Regulation 27-10, Military Justice, 11 May 2016.
- c. United States Army Pacific (USARPAC) Regulation 27-10, Military Justice, 19 January 2018.
- d. USARPAC Permanent Order 310-01, I Corps Forward Bilateral Coordination Brigade (Provisional), 15 November 2017.

2. 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, U.S. Army Japan (USARJ). 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.

3. Special Court-Martial Convening Authority. Pursuant to the Uniform Code of Military Justice (2016 Edition), Article 23; the United States Army Pacific (USARPAC) Regulation 27-10, dated 19 January 2018; and USARPAC Permanent Order 310-01, dated 15 November 2017:

- a. The Commander, I Corps (Forward), is hereby designated as a Special Court-Martial Convening Authority (SPCMCA) for all Soldiers assigned or attached to I Corps (Forward), the 35th Combat Sustainment Support Battalion, and the 623d Movement Control Team.

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b. The Commander, United States Army Garrison Japan is hereby designated as SPCMCA for all other Soldiers not covered by paragraph 2(a) that are stationed in, assigned to, or otherwise present for duty in Japan on the islands of Hokkaido, Honshu, Shikoku, and Kyushu.

c. The Commander, 10th Support Group (SG) 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 SG for disposition. Tenant units with different technical command lines shall follow this policy.

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level commanders or commanders of a detached company may convene Summary Courts-Martial (SCM) unless this authority is withdrawn or otherwise limited.

5. Withhold Policy. Pursuant to the Manual for Courts-Martial (2016 edition), Rules for Courts-Martial 306(a); Army Regulation 27-10, paragraphs 3-4 and 3-7(d), 11 May 2016; and USARPAC Regulation 27-10, 19 January 2018, 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 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, UCMJ, and convene courts-martial. Requests for exceptions to this policy will only be granted by me and should be staffed through the OSJA, USARJ.

6. Sexual Assault Allegations:

a. I withhold disposition authority to the SPCMCA in the rank of colonel (O-6) for all alleged violations of Article 120, 120a, 120b, 120c, and 125 of the 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 and 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.

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b. The SPCMCA shall be responsible for determining the appropriate disposition, to include whether further action is warranted and, if so, whether the matter should be resolved by court-martial, nonjudicial 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.

7. 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 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.

8. 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 SPCMCA 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, USARJ, or a subordinate commander expressly granted this authority.

9. 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.

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

11. This USARJ Command Policy Memorandum supersedes USARJ Command Policy Memorandum 18-05, 26 February 2018, and is effective until rescinded.

12. The point of contact for this policy is the USARJ Chief of Military Justice at (DSN) 263-4041.



VIET X. LUONG
MG, USA
Commanding

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