



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY RESERVE COMMAND
4710 KNOX STREET
FORT BRAGG, NC 28310-5010

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SEP 25 2020

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Commanding General Policy #20-12: Military Justice Policy

1. References.

- a. Interim Army Regulation (AR) 27-10, Military Justice, 1 January 2019.
- b. Manual For Courts-Martial United States (2019 Edition).

2. Applicability: This policy applies to all Regular Army and Army Reserve personnel assigned or attached to U.S. Army Reserve Command (USARC), but does not create any rights or privileges for individual Soldiers.

3. Initially Reporting Misconduct:

a. Commanders Initial Report. Commanders will submit an initial report for all instances of alleged violations of Article 120, Uniform Code of Military Justice (UCMJ), to the Major Subordinate Command (MSC) Commanding General (CG). The report will include all the information contained in the attached sample "U.S. Army Reserve Commander's Initial Report of Sexual Assault". Once satisfied that the report is complete, the MSC Commander will send it to the USARC Deputy Commanding General. This reporting requirement applies only to unrestricted reports of sexual assault.

b. Legal Technical Chain Reporting:

(1) Servicing Judge Advocates (JAs) will immediately report to the MSC, Office of the Staff Judge Advocate (OSJA) any allegations of misconduct listed in subparagraph 3.c of this memorandum. After reviewing the report for completeness, the MSC OSJA forwards the report to USARC, OSJA, Military Law Division (MLD), via email at usarmy.usarc.usarc-hq.mbx.usarc-osja-mj@mail.mil.

(2) Each initial report will include the following: the name and rank of the Soldier, a complete summary of the allegation(s), the date(s) of the occurrence(s), the commander's action(s) to date, and a point of contact with a telephone number

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and an email address for the Judge Advocate responsible for monitoring and advising on the allegation.

c. MSC OSJAs will report the following:

(1) Allegations of sexual acts or sexual contacts in violation of Article 120, UCMJ. This includes any allegations against an Army Reserve Soldier, regardless of rank, and all sexual assaults alleged to have occurred, regardless of the alleged offender's duty status.

(2) Allegations of misconduct punishable under the UCMJ committed by commissioned officers in the grade of O-5 and above, by warrant officers in the grade of CW4 and above, and by noncommissioned officers in the grade of E-8 and above.

(3) Any other alleged misconduct which has or may tend to garner significant adverse media or Congressional interest.

4. Tracking misconduct after initial reporting:

a. All OSJAs must provide monthly updates via Military Justice Online (MJO) by the 23rd day of each month. Each Deputy Staff Judge Advocate (DSJA) will review MJO and ensure all entries are accurate and complete for every investigation. The DSJA will personally certify the MJO report.

b. Commanders, through their supporting DSJAs, will continue providing monthly updates through MJO until the command takes final action on the case, and the case is closed, (e.g., "closed without further action," reprimand (including final filing determination), non-judicial punishment and punishment imposed, or other disposition). SJAs or DSJAs will report disposition/adjudication of the action on their final update concerning that action. At that time, the USARC Military Law Division will close the action on its report.

c. Commanders will ensure their respective DSJAs/Command JAs are updating and certifying MJO on a monthly basis. This tracking system is critical for military justice purposes across the Army Reserve.

5. Disposition of Allegations. I expect commanders to address and dispose of misconduct allegations on a case-by-case basis, in consultation with their legal advisors, taking into account such nonexclusive factors as the relative seriousness of the offense; extenuating, mitigating, or aggravating circumstances; and

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commanders' responsibilities to maintain good order and discipline within their formations.

a. Commanders are reminded they must immediately report ANY allegation of a sexual-related offense to Criminal Investigation Command (CID). The CID, not the command, is responsible for investigating such allegations. Commanders will also ensure timely reports to the responsible Sexual Assault Response Coordinator (SARC) and their servicing legal advisor.

b. The authority for USARC commanders to convene special and general court-martial is generally withdrawn pursuant to AR 27-10, para. 20-8.b. However, Commander, USARC has authority to convene special courts-martial and may delegate this authority on a case-by-case basis. Commanders who are otherwise qualified as convening authorities, may also exercise their other regulatory responsibilities or authorities, such as issuing investigative subpoenas, filing reprimands, and disposing of UCMJ, Article 138 (Complaints of wrongs) and Article 139 (Redress of injuries to property) matters.

c. For cases that commanders believe should be disposed of by general or special courts-martial, servicing legal advisors will staff the court-martial packet through their technical chain to the USARC OSJA, Military Law Division. The USARC OSJA, Military Law Division will then facilitate coordination with the Regular Army in order to expedite potential courts-martial processing.

d. Disposition of any penetrative Article 120 offense is reserved to general officer commanders who also have a servicing judge advocate legal advisor available to them. A Special Victim Prosecutor (SVP) will be consulted before final disposition is taken.

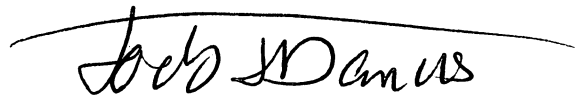
e. Commanders are reminded that, in accordance with AR 20-1, all allegations of impropriety by a general officer, a promotable colonel, a member of the civilian SES, and any other DA civilian employee of comparable grade or position, must be reported directly to The Inspector General of the Army (TIG), through supporting IG offices, within 2 working days of receipt of an allegation. Reporting an incident of impropriety during an ongoing criminal or equal opportunity investigation to the U.S. Army CID, or to a higher commander or equal opportunity officer, does not eliminate the reporting requirement to TIG, or allow commanders to inquire or to investigate the allegations.

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6. This policy is effective upon the date of signature and remains in effect until suspended or rescinded in writing.

7. Point of contact for this memorandum is the USARC, Military Law Division, at 910-570-9003.



JODY J. DANIELS
Lieutenant General, U.S. Army
Commanding

Encl

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U.S. Army Reserve Commander's Initial Report of Sexual Assault

1. Name of Immediate Commander reporting case with telephone POC and email:

2. CID notified: Yes/No

3. SARC notified: Yes/No

4. Subject of the investigation (Name, rank, unit of assignment, TPU/AGR and status if known during incident-IDT, AT, ADOS/MOB):

5. For USAR alleged victim: (Name, rank, unit of assignment, TPU/AGR and status if known during incident-IDT, AT, ADOS/MOB):

6. Subject Flagged: Yes/No

7. Date of alleged incident:

8. Complete Description of Allegations and Background:

9. Judge Advocate Responsible for working with CID on investigation with telephone POC and email: