



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, AND FORT HOOD  
1001 761ST TANK BATTALION AVENUE  
FORT HOOD, TEXAS 76544-5000

AFZF-CG

**13 APR 2016**


MEMORANDUM FOR Staff Judge Advocate, Headquarters, Fort Hood, Fort Hood,  
Texas 76544-5000

SUBJECT: Approval of III Corps and Fort Hood Local Regulation FH 27-10

1. The recommendation of the Staff Judge Advocate is approved. I hereby approve the implementation of III Corps and Fort Hood Local Regulation FH 27-10, effective immediately.
2. The document will be submitted to the Administrative Services Division for formatting and publication.
3. The point of contact for this document is the Chief, Criminal Law Division, at (254) 287-3658.

Encls

1. SJA Advice
2. III Corps Local FH 27-10
3. Changes to III Corps FH 27-10
4. Appendix A to FH 27-10
5. Previous III Corps FH 27-10

  
JOHN UBERTI  
Major General, USA  
Commanding



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**13 APR 2016**

MEMORANDUM FOR Commander, Headquarters, Fort Hood, Fort Hood, Texas  
76544-5000

SUBJECT: Approval of III Corps and Fort Hood Local Regulation FH 27-10

1. On 10 November 2008, LTG Rick Lynch approved the implementation of III Corps and Fort Hood Local Regulation 27-10, Military Justice. On 3 October 2011, AR 27-10 was revised and updated. An update to FH Regulation 27-10 is necessary in order to correspond with the current version of AR 27-10.
2. This Local Regulation provides guidance on military justice processes and procedures, and continues to give the Staff Judge Advocate control over the use of legal personnel on the installation. This Local Regulation also contains your withholding of authority from subordinate commanders to dispose of misconduct cases involving E8s or higher.
3. In order to ensure good order and discipline on the installation, and to ensure this Local Regulation's continued authority, I recommend that you approve implementation of III Corps and Fort Hood Local Regulation FH 27-10 with an effective date of your signature.

4 Encls

1. III Corps Local FH 27-10
2. Changes to III Corps FH 27-10
3. Appendix A to FH 27-10
4. Previous III Corps FH 27-10

A handwritten signature in black ink, appearing to read "Travis L. Rogers".

TRAVIS L. ROGERS  
COL, JA  
Staff Judge Advocate

Legal Services  
**Military Justice**

**History.** This regulation is a major revision. Sections affected by this revision are listed in the summary of change.

**Summary.** This regulation prescribes additional policies and procedures governing the administration of military justice for the general court-martial jurisdiction of the Commander, III Corps and Fort Hood, and when Commander, III Corps is deployed the Commander, Fort Hood; and specifies that Commander, III Corps and Fort Hood is the competent superior review authority for purposes of §1744 of the 2014 National Defense Authorization Act (NDAA) and the superior General Court-Martial Convening Authority under the provisions of 10 USC §822 and 10 USC §823.

**Applicability.** (1) This regulation applies to all organizations, units, detachments, tenant units and activities, and personnel assigned or attached to units within the geographical limits of Fort

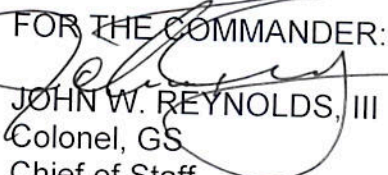
Hood. (2) This regulation also applies to the 1st Cavalry Division (1CD) and First Army Division West (DIVWEST) unless otherwise indicated. (3) This regulation applies to 1st Infantry Division, 1st Armored Division, and 4th Infantry Division only where specified.

All references herein to the masculine gender denote both male and female personnel and are intended solely to promote readability.

**Supplementation.** Local supplementation of this regulation is prohibited without prior approval of the Staff Judge Advocate (SJA), III Corps and Fort Hood.

**Suggested Improvements.** The proponent of this regulation is the SJA. Users are invited to send comments and suggest improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Headquarters,

III Corps and Fort Hood,  
ATTN: AFZF-JA, Fort  
Hood, Texas 76544-5001.

FOR THE COMMANDER:  
  
JOHN W. REYNOLDS, III  
Colonel, GS  
Chief of Staff

Official:



CHARLES E. GREEN, SR.  
Director, Human  
Resources

DISTRIBUTION:  
IAW FH FORM 1853, S

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## Chapter 1 Overview

### 1-1. Purpose

This local regulation prescribes policies and procedures governing the administration of military justice within the general court-martial (GCM) jurisdictions on Fort Hood: III Corps and Fort Hood (and when the III Corps Commander is deployed the Commander, Fort Hood), 1st Cavalry Division, and First Army Division West. This regulation also specifies that Commander, III Corps and Fort Hood is the competent superior review authority for purposes of §1744 of the 2014 NDAA and the superior GCMCA under the provisions of 10 USC §822 and 10 USC §823. The policies and limitations herein are not intended to impose jurisdictional requirements or procedural prerequisites on court-martial or non-judicial punishment proceedings. Failure to comply with this regulation does not affect the validity of any action or confer rights upon any accused not otherwise existing.

### 1-2. References

Appendix A lists required and related references.

### 1-3. Abbreviations and Terms

The glossary explains abbreviations and terms used in this regulation.

### 1-4. Effective Date

This local regulation is effective immediately and will remain in effect until changed, revised, or rescinded by this headquarters. The policies and limitations herein are not intended to impose jurisdictional requirements or procedural prerequisites on court-martial or nonjudicial punishment proceedings, and are not intended to confer rights upon any accused. III Corps and FH Reg 27-10, dated 10 November 2008 is rescinded.

### 1-5.. Summary of Changes

Specifically, this revision dated 13 April 2016 –

- Adds references to First Army Division West (DIVWEST) and removes references to 4<sup>th</sup> Infantry Division (4ID).
- Adds section on coordination with local authorities regarding offenses committed by Soldiers off Fort Hood and references Memoranda of Agreement between III Corps & Fort Hood and the 27<sup>th</sup> and 52<sup>nd</sup> Judicial Districts of the State of Texas.
- Extensive update of Victim Services, including adding information on the Crime Victim's Rights Act in the Uniform Code of Military Justice (UCMJ) as Article 6b. All personnel and agencies on Fort Hood that interface with crime victims will ensure that they are afforded these rights, a Victim-Witness Liaison, and access to the Special Victims' Counsel Program (SVCP), which provides victims of sex-related offenses legal assistance services under 10 U.S. Code § 1044.
- Adds a new chapter on the Part-Time Military Magistrate (PTMM) program.

- Incorporates delegations by the Commanding General, or his successor, to the Staff Judge Advocate (SJA) the authority to execute various military justice actions or adverse administrative actions, as directed by the GCMCA, III Corps and Fort Hood. Previously this was done by separate memoranda.
- Adds a new section on release of information pertaining to the administration of military justice and accused persons.
- Adds a new section on the location, supervision, and evaluation of Judge Advocates and paralegals in Brigades.
- Completely revises the chapter on Trial Defense Services.
- Adds a new section Inclusion of Information on Sex-Related Offenses in the Army Military Human Resources Record
- Adds a new section on the Adverse Information Pilot Program

## **Chapter 2**

### **Jurisdiction**

#### **2-1. III Corps and Fort Hood General Court-Martial Convening Authority (GCMCA) Jurisdiction**

The Commander, III Corps and Fort Hood, is the senior General Court-Martial Convening Authority (GCMCA) for all units assigned or attached to Fort Hood, subject to individual unit orders stating otherwise. Pursuant to Article 22(a)(5), UCMJ, and R.C.M. 504(b)(1) a Corps commander has statutory authority to act as a GCMCA. Additionally, pursuant to R.C.M. 504(b)(1) and Article 22(a)(8), as designated in Department of the Army General Order #3, dated 19 January 1981, the Commander of Fort Hood also has authority to act as a GCMCA. Finally, pursuant to R.C.M. 504(b)(1) and Article 22(a)(8), the Commander of III Corps and Fort Hood, as designated in Department of the Army General Order #3, dated 19 January 1981, has authority to act as a GCMCA. In almost all cases the same officer will be vested with all three sources of GCMCA. However, in the event of deployment these authorities may be separated. The GCMCA acts on military justice actions through the SJA. All matters concerning military justice to be brought to the GCMCA's attention will be routed through the SJA.

Jurisdictional alignment of the various Special and Summary Court-Martial Convening Authorities within III Corps and Fort Hood shall be effected by separate memorandum from the GCMCA, which is attached as Appendix A and will be updated separately from this regulation. The military justice relationship of Fort Hood units may change due to mission or organization. All Commanders must understand their military justice responsibilities; subordinate and superior Article 15, Uniform Code of Military Justice (UCMJ) (Non-judicial punishment) authorities; and courts-martial convening chains of authority. Commanders should submit questions and recommended changes to their servicing Chief, Criminal Law.

#### **2-2. Creating Rear Provisional Units**

Unless a rear provisional unit is properly established in accordance with AR 220-5, a unit's rear detachment will not have the authority to take UCMJ action. The FORSCOM



commander has withheld authority to create provisional units. Units deploying outside CONUS will coordinate with their legal advisor regarding the establishment of rear provisional units. Since most deploying commands will leave behind pending courts-martial and administrative separations, it is critical that rear Commanders have the proper authority to exercise military justice. Therefore, the unit may need to establish a provisional unit properly designated in accordance with (IAW) Army Regulation (AR) 220-5 (Designation, Classification, and Change in Status of Units), paragraph 2-5a. Fort Hood has a standing operation order, currently OPORD 15-09-0860, on the process to create such units, and it should be consulted and complied with in a timely manner. Before exercising UCMJ authority on Fort Hood, RC and ARNG Commanders should coordinate with the Chief, Criminal Law, III Corps and Fort Hood.

### **2-3. Soldiers or Units Not Assigned or Attached**

Non-Divisional units and Soldiers not assigned or attached to a separate and detached III Corps or Fort Hood unit will be attached to Headquarters and Headquarters Battalion (HHBn), III Corps and Fort Hood, for the purpose of UCMJ and adverse administrative actions.

### **2-4. Coordination with Local Authorities**

The Commander, III Corps and Fort Hood has established and maintains agreements with the District Attorneys for the 27<sup>th</sup> and 52<sup>nd</sup> Judicial Districts of the State of Texas regarding the coordination of the military and criminal justice systems involving active duty military personnel (copies of which are maintained with the Chief, Criminal Law, III Corps and Fort Hood). It is recognized under these agreements that under current law both the State of Texas and the United States Government, have jurisdiction over active duty personnel who commit criminal offenses in violation of the UCMJ and the State of Texas Criminal Code off of the Fort Hood installation. The Commander, III Corps and Fort Hood, and the respective District Attorneys have agreed that it is within the best interest of the safety of citizens in the civilian community and the good order and discipline of the U.S. Army that the District Attorney and Commander confer on each case involving military personnel to ensure the speedy administration of justice by the most appropriate jurisdiction. The respective District Attorneys and the Commander, acting strictly through the Staff Judge Advocate, III Corps and Fort Hood, will confer on a routine basis regarding cases of mutual interest. The emphasis of the coordination will be to decide who will assert primary jurisdiction over military personnel for off-post offenses. All units on Fort Hood, including, but not limited to 1st Cavalry Division and First Army Division West, shall coordinate through the Chief, Criminal Law, III Corps and Fort Hood, regarding offenses that occur off the Fort Hood installation.

## **Chapter 3**

### **Administration of Military Justice**

#### **3-1. Commander's Role**

A Commander has a unique and powerful role in the military justice system. In that role, a Commander has the authority to affect individual lives and the morale and readiness

of his or her command. A Commander has a duty to ensure that in disposing of alleged misconduct committed by Soldiers within his or her command, he or she does so carefully, deliberately, and in strict compliance with applicable law and regulation. Soldiers will rally behind and remain loyal to a thoughtful and fair Commander. An unfair or unlawful approach to military justice adversely impacts the morale of a unit and compromises its war fighting effectiveness. Commanders must understand and comply with the following requirements when deciding how to dispose of allegations of misconduct:

*a. Individualized treatment of each case.* The disposition decision is one of the most important and difficult decisions facing a Commander. Each Soldier deserves to have his or her case adjudicated based on the specific facts of that individual case. Each Commander must make fair and individualized determinations for each allegation of misconduct. Commanders must carefully consider the factors set forth in Rule for Courts-Martial (R.C.M.) 306. Commanders will not have an inflexible policy, either in disposition or punishment, towards the administration of justice based upon the type of offense committed or the grade of the offender.

*b. Unlawful command influence.* Commanders will not order a subordinate to dispose of an incident of misconduct in a particular way. Equally important, Commanders shall not seek to influence, either directly or indirectly, the decision of a subordinate Commander when disposing of misconduct under the UCMJ. Each Commander must exercise their independent discretion when determining or recommending an appropriate disposition for a Soldier's alleged misconduct.

*c. Treatment of a Soldier pending UCMJ proceedings.* A Commander may not punish a Soldier accused of misconduct prior to the completion of UCMJ proceedings. Any treatment intended to humiliate, ridicule, or which is otherwise contrary to the inherent dignity and respect of an accused Soldier is unlawful and will not be tolerated. Soldiers who are not in pretrial confinement are expected to continue to perform duties commensurate with their grade and military occupational specialty (MOS) unless there are legitimate governmental interests served by having that Soldier perform some other duty. Commanders can place appropriate conditions on liberty on Soldiers pending UCMJ proceedings, but must consult with the unit Trial Counsel before doing so. Conditions on liberty placed on Soldiers will not be tantamount to confinement or arrest.

*d. Timely disposition of misconduct.* Commanders are expected to dispose of allegations of misconduct in a timely manner at the lowest appropriate level of disposition. If a Commander decides to take action, he or she should act as soon as he or she has all the relevant facts. The military is a transient profession and needless delays detract from the fair administration of justice.

*e. Fairness of proceedings.* Commanders are expected to ensure that in disposing of misconduct, the proceedings are fair, and that they consider all known and relevant information. A Commander should ensure that neither he or she nor a subordinate intimidates or discourages witnesses, either directly or indirectly, from providing information on behalf of a Soldier appearing at a court-martial, administrative board, or non-judicial punishment (Article 15) proceeding. To the contrary, Commanders must

encourage those who possess information, either favorable or unfavorable, to provide that information in order to ensure full and fair adjudication of the misconduct.

### **3-2. Other Considerations and Processing Time**

a. Article 15 and courts-martial will be used only when administrative corrective measures have failed or would be inappropriate. Unnecessary use of NJP and courts-martial results in decreased efficiency, lowered morale and discipline, and an unjustified loss of vitally needed manpower.

b. Commanders should always consider alternatives to punitive action under the UCMJ. Such alternatives include: Corrective training, which may be administered during normal duty hours or during non-duty hours, and which must relate directly to the deficiency noted in the Soldier (Reference: AR 600-20); Counseling (Reference: AR 635-200, Para 1-16); Verbal or written reprimand (Reference: AR 600-37); Reduction in grade (Reference: AR 600-8-19, Chapter 10); and Bar to reenlistment (Reference: AR 601-280, Chapter 8).

c. Processing Time. To ensure compliance with Article 98, UCMJ, all actions will be processed expeditiously, and unnecessary administrative processing will be eliminated at all levels of command. To this end, the following procedures apply:

(1) Legal documents will be processed using the most expeditious means, including hand carrying actions when this is most efficient. Brigade Judge Advocates, Trial Counsel, and their paralegal specialists/NCOs will bring legal actions directly to commanders for action and will not be required to leave the actions to be processed by the S1, XO, or any other staff section. Major Subordinate Command paralegal specialists/NCOs will ensure that their distribution boxes located in the Criminal Law Division are checked on a daily basis. All administrative separations requiring GCMCA action, to include Chapter IO discharge packets, will be picked up the same day that the Criminal Law Division notifies the unit that the GCMCA has approved the discharge.

(2) Processing of actions involving an accused in pretrial confinement or retained past normal ETS will be given highest priority.

(3) Absent unusual and compelling circumstances, an acting commander will not hold a legal action pending return of the commander.

### **3-3. Extension of Time for Soldiers Approaching Expiration of Term of Service**

Upon receipt of information that a Soldier may have engaged in the commission of a serious offense, as defined in AR 635-200, para. 14-12, Commanders will ensure that the Soldier is not approaching his or her ETS date. If the Soldier is within 90 days of his or her ETS date upon discovery of the allegation, the Soldier's immediate Commander will promptly inform his or her servicing Trial Counsel.

## **Chapter 4**

### **Authority to Take Adverse Action**

#### **4-1. Withholding and Delegation Policies**

Nothing in this regulation should be construed as an attempt to require a certain outcome in any particular case or class of cases. Each Commander must continue to

exercise independent judgment in disposing of allegations of misconduct as he or she sees fit. Except as otherwise noted, this chapter does not apply to 1CD, DIVWEST or subordinate mission commands such as 1AD, 1ID, and 4ID.

#### **4-2. Senior Leader Misconduct**

Pursuant to R.C.M. 306, the authority to dispose of alleged UCMJ offenses committed by commissioned officers, warrant officers, sergeants major, first sergeants in the grade of E-8, master sergeants and Soldiers serving as a SHARP representative is withheld to the Commander, III Corps and Fort Hood, unless such authority is returned to a lower level Commander. The Commander, III Corps and Fort Hood may, on a case-by-case basis, return actions to lower level Commanders for disposition at the request of the lower level Commander or when the Commander, III Corps and Fort Hood determines that such disposition at a lower level is appropriate.

a. Subordinate Commanders do not have the authority to impose non-judicial punishment for UCMJ offenses allegedly committed by commissioned officers, warrant officers, sergeants major, first sergeants in the grade of E-8, and master sergeants unless such authority is returned.

b. *Reporting of Senior-Leader or SHARP Representative Misconduct.* All units whether active or reserve component with personnel assigned to Fort Hood will NLT 72 hours from receipt of information that a Senior Leader, defined as a commissioned officer, warrant officer, sergeant major, first sergeant in the grade of E-8, master sergeant, or any Soldier serving as a SHARP representative is suspected of having violated the UCMJ, the suspect's special court-martial convening authority (SPCMCA), typically a Brigade Commander, shall notify the Commander, III Corps and Fort Hood, by email with a copy provided to the III Corps SJA. If the requested information cannot be provided within 72 hours, provide an interim report delineating as much information as possible with a copy to the III Corps SJA. When sergeants major are involved, send a copy to the III Corps and Fort Hood Command Sergeant Major. Include all relevant facts, known evidence supporting those facts, and circumstances surrounding the alleged offenses. In addition to the factors set out in R.C.M. 306(b), the report shall address the:

- (1) Alleged crime. What happened (who did what, where, when, how, and why).
- (2) Accused's service record, family situation, and mitigating or extenuating circumstances known to the chain of command.
- (3) Any potential victims, and a general listing of services provided to the victim.
- (4) Unit impact. The specific effect on the good order, morale, and discipline of the unit. Also indicate if the victim(s) or accused has been moved from the barracks or home.

#### **4-3. Suspension and Relief Actions**

IAW AR 600-20 (Army Command Policy), paragraph 2-17, Commanders are authorized to temporarily suspend a subordinate from command or other assigned position when the senior Commander loses confidence in the subordinate Commander's ability to lead due to misconduct, poor judgment, the subordinate's ability to complete assigned tasks, or for other similar reasons. The procedures for relief for cause officer evaluation

reports (OERs) and noncommissioned officer evaluation reports (NCOERs) are contained in AR 623-3 (Evaluation Reporting System) and Department of the Army (DA) Pamphlet (PAM) 623-3 (Evaluation Reporting System).

a. Because AR 600-20 requires general officer written approval for relief for cause from command actions, the appropriate general officer will be consulted prior to initiation of suspension and/or relief.

b. This subsection applies to 1CD, 1AD, 1ID, and 4ID when Commander, III Corps and Fort Hood exercises rater, senior-rater or reviewer roles either under his mission Commander or Senior Commander Authority over the subject Soldier. The Commander, III Corps and Fort Hood, retains approval authority over all suspension and relief for cause actions involving Brigade-Level Commanders and Brigade-Level Command Sergeants Major, and above.

c. For III Corps and non-divisional units (other than Brigade-Level Commands), the Deputy Commander, III Corps and Fort Hood is delegated authority to serve as the first general-officer approval authority for suspension and relief for cause actions involving Commanders and Command Sergeant Major.

#### **4-4. Delegation to III Corps and Fort Hood Deputy Commanding General**

a. The Commander, III Corps and Fort Hood delegates to the Deputy Commanding General his or her powers under Article 15, UCMJ pursuant to AR 27-10 (Military Justice), paragraph 3-7 and 3-30. This delegation also applies to the issuance and filling of memoranda of reprimand (administrative reprimands and reprimands issued as part of non-judicial punishment). The delegation of Article 15 authority includes the powers of a "next superior authority" for the purposes of acting on appeals, except for Article 15 appeals from Division Commanders, which the Commander, III Corps and Fort Hood retains. This delegation includes the power to exercise Article 15 authority over commissioned officers, warrant officers, sergeants major, first sergeants in the grade of E-8, and master sergeants.

b. The Commander, III Corps and Fort Hood delegates to the Deputy Commanding General his or her powers to dispose of and to release jurisdiction to lower authorities, for offenses withheld in paragraph 4-2 of this regulation, except in cases involving battalion commanders, battalion command sergeants major, brigade commanders and brigade command sergeants major, and above.

c. The Commander, III Corps and Fort Hood delegates to the Commanding Generals of 13<sup>th</sup> Sustainment Command (Expeditionary) and Operational Test Command (OTC) his powers under Article 15, UCMJ pursuant to AR 27-10 (Military Justice), paragraph 3-7 and 3-30. This delegation also applies to the issuance and filling of memoranda of reprimand (administrative reprimands and reprimands issued as part of non-judicial punishment), except in cases involving battalion commanders and battalion command sergeants major.

#### **4-5. Reservation of Uniform Code of Military Justice (UCMJ) Authority**

The Commander, III Corps and Fort Hood has reserved authority to dispose of certain offenses to SPCMCA's. In addition, the authority to refer special courts-martial to trial is reserved to the GCMCA.

*a. Domestic violence.* Disposition of domestic violence related offenses is reserved to Commanders who are SPCMCA's. All allegations of misconduct involving domestic violence will be considered and disposed of fairly and impartially IAW applicable laws, regulations, and statutes.

*b. Weapons violations.* This subsection applies to all Fort Hood units including 1CD and DIVWEST. Fort Hood (FH) Regulation (Reg) 190-11 (Weapons) prescribes the requirements for registration, transportation, and possession of weapons on Fort Hood. Commanders will post information on unit bulletin boards and ensure that all assigned and attached personnel are briefed on FH Reg 190-11, any other applicable Army regulations, and state and local laws on weapons and ammunition.

(1) All Commanders are obligated to ensure the safety of our Soldiers. Commanders should regularly consider conducting inspections to ensure hazardous conditions and contraband, such as unregistered weapons, are not present in the barracks or on the installation.

(2) Pursuant to FH Reg 190-11, firearms can be stored in Family housing, bachelor officer quarters, or bachelor enlisted quarters by authorized occupants. Commanders must be vigilant for signs that a Soldier may be at risk of harm to self or others.

(3) Commanders will familiarize themselves with the "Prohibition on Infringing on the Individual Right to Lawfully Acquire, Possess, Own, Carry, and Otherwise Use Privately Owned Firearms, Ammunition, and Other Weapons" found at 10 U.S.C. Ch. 53. Commanders should consult their servicing Judge Advocate for more information.

(4) Disposition of weapons-related offenses, other than failure to properly register a weapon, is reserved to Commanders who are SPCMCA's. All allegations of misconduct involving weapons will be considered and disposed of fairly and impartially IAW applicable laws, regulations and statutes.

#### **4-6. Driving Under the Influence (DUI) and Driving while Intoxicated (DWI) Violations Reservation to the Special Assistant United States Attorney (SAUSA) or to State Authorities**

Except as otherwise provided in this regulation, the authority to exercise UCMJ jurisdiction over DUI and DWI offenses committed on the installation by Soldiers is hereby withdrawn. All such cases, including 1CD and DIVWEST cases, will be referred to the SAUSA for disposition.

*a.* In exceptional cases where disposition of DUI and DWI driving offenses under the UCMJ is deemed essential to good order and discipline, Commanders may seek to retain jurisdiction over such offenses. This request can be based on the Soldier's imminent deployment, permanent change of station (PCS), or previously-approved temporary duty lasting more than four months from the command's notice of the offense. In these cases, the Soldier's Brigade-Level Commander will request, in writing, authority to exercise UCMJ to the Commander, III Corps and Fort Hood through the III Corps and Fort Hood OSJA.

*b.* This policy does not affect the initiation and imposition of administrative sanctions for DUI and DWI offenses, such as general officer memoranda of reprimand, suspension and revocation of installation driving privileges, bars to reenlistment, administrative reductions, and separation for misconduct. This policy also does not

affect the referral of Soldiers to remedial driving classes or alcohol and drug abuse counseling.

c. Civilian tribunals, both state and federal, which also handle all other traffic offenses, are generally better suited to handle DUI and DWI offenses than the military justice system, because they can adjudicate offenses committed by both military personnel and civilians. An adjudication of guilt by a state court judge or the Federal Magistrate triggers enhanced penalties for multiple DUI and DWI offenses under Texas law, and they also can report offenses to appropriate state agencies that regulate traffic violations, whereas non-judicial punishment under Article 15, UCMJ and administrative sanctions do not.

d. A person subject to the UCMJ who has been tried in a civilian state court may, but ordinarily will not, be tried by court-martial or punished under Article 15, UCMJ for the same act over which the civilian state court has exercised jurisdiction. This policy is consistent with Army Regulation 27-10, paragraph 4-2. When an offense, such as DUI or DWI, is pending trial or has been tried by the Federal Magistrate or state court, Commanders will not impose non-judicial punishment or prefer charges under the UCMJ without prior approval of the Commander, III Corps and Fort Hood.

## **Chapter 5**

### **Federal Magistrate Hearings and Trials**

#### **5-1. Federal Magistrate Hearing and Trial Location**

Federal Magistrate hearings and bench trials are held at the MG Lawrence J. Williams Judicial Center, Building 5794 Tank Destroyer (adjacent to the Fort Hood Mayborn Gate, behind Club Hood). Federal Magistrate jury trials are held at the U.S. District Courthouse, 800 Franklin Avenue, Waco, Texas.

#### **5-2. Prohibited Items**

All unauthorized personnel, including but not limited to, Soldiers, civilians, and Family members, are prohibited from bringing any type of dangerous item or weapon, at any time into the Lawrence J. Williams Judicial Center, Building 5794 Tank Destroyer (located adjacent to the Fort Hood East Gate). This includes, but is not limited to, guns and/or firearms (including air guns), ammunition, explosive materials, flammable materials, dangerous chemicals, sharp objects (i.e., knives, razors, picks), martial arts and/or self-defense items, stun guns and/or shocking devices, mace and/or pepper spray, and/or blunt objects or sporting goods that could be used as a weapon (i.e., bats, clubs, tools). This paragraph is punitive and violation may be punished under Article 92, UCMJ.

#### **5-3. Federal Magistrate Hearing and Trial Procedures**

Military witnesses shall cooperate with both the SAUSA and defense counsel. Commanders will ensure that this cooperation occurs. When notified and required by the SAUSA or the SAUSA paralegal, the accused's Commander will detail an escort for all court hearings. The escort must be a noncommissioned officer (NCO) or officer, senior in rank to the accused. The duty uniform for a military accused at any civilian

court hearing, regardless of location, is civilian professional attire (e.g., coat and tie, suit, etc.). For matters scheduled at the Lawrence J. Williams Judicial Center at Fort Hood, the uniform for escorts is the Army Combat Uniform (ACU), Operational Camouflage Pattern (OCP), or equivalent, unless the escort is expected to testify on behalf of the accused, in which case the uniform is civilian professional attire. For matters scheduled at the United States District Courthouse in Waco, Texas, the uniform for escorts is civilian professional attire. Under no circumstances will an escort be armed, unless granted written permission by the Commander, 89th Military Police Brigade.

## **Chapter 6**

### **General Officer Memoranda of Reprimand (GOMOR)**

A general officer memorandum of reprimand (GOMOR) will be initiated for all DUI and DWI offenses and refusals to take a blood alcohol content (BAC) test involving Soldiers assigned or attached to units at Fort Hood. SJAs for III Corps and Fort Hood, 1CD, and DIVWEST are responsible for preparing and processing GOMORs for their respective general court-martial (GCM) jurisdictions. Unless jurisdiction is otherwise withheld by III Corps and Fort Hood, 13<sup>th</sup> SC(E) and OTC retain discretion to establish GOMOR policies and procedures for units and personnel attached or assigned under their UCMJ jurisdiction.

a. A copy of the GOMOR imposed by the Deputy Commanding General, III Corps and Fort Hood will be sent through the chain of command to the Soldier for acknowledgment and the opportunity to respond IAW AR 600-37 (Unfavorable Information). The Soldier will return the acknowledgement and additional matters, if any, within 10 calendar days through the chain of command to the III Corps and Fort Hood OSJA, Administrative Law Division. Unless an extension is granted, units will ensure expeditious processing of GOMORs within 10 days of service to the Soldier. These matters will be submitted to the Deputy Commanding General for a filing determination. The chain of command will recommend that the GOMOR be filed in either the unit file or the Soldier's official military personnel file (OMPF), or that the GOMOR be rescinded.

b. When a Soldier leaves the chain of command or supervision after a Commander or supervisor has announced the intent to impose a reprimand, but before the reprimand has been imposed, the action may be processed to completion by the losing command.

c. When the reprimanding official leaves the chain of command or supervision after stating in writing the intent to impose a reprimand, his or her successor may complete appropriate action on the reprimand. In such cases, the successor should be familiar with relevant information about the proposed reprimand.

d. When a former Commander or supervisor discovers misconduct warranting a reprimand, an admonition, or censure, he or she may:

- (1) Send pertinent information to the individual's current Commander for action.
- (2) Personally initiate and process a letter of reprimand, admonition, or censure as if the former command or supervisory relationship continued. In such cases, further



review (if needed) will be accomplished in the recipient's current chain of command. Officials should consider the timeliness and relevance of the adverse information before taking administrative action at the later date.

e. Suspension of driving privileges is governed by FH Reg 190-2 (Motor Vehicle Traffic Supervision).

## **Chapter 7**

### **Victim Services**

#### **7-1. Victim Rights**

All persons must ensure that victims and witnesses of crime are treated courteously and with respect for their privacy. Interference with personal privacy and property rights will be kept to an absolute minimum. In those cases in which a victim has been subjected to attempted or actual violence, every reasonable effort will be made to minimize further trauma. Victims will be treated with care and compassion, particularly in circumstances involving children, domestic violence, or sexual misconduct. Effective victim and witness programs are multidisciplinary and utilize all related military and civilian agencies.

a. The 2014 National Defense Authorization Act incorporated the federal Crime Victim's Rights Act into the Uniform Code of Military Justice (UCMJ) as Article 6b. All personnel and agencies on Fort Hood that interface with crime victims will ensure that they are afforded these rights. The rights are as follows:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any of the following:
  - (A) A public hearing concerning the continuation of confinement prior to trial of the accused.
  - (B) A preliminary hearing under Article 32.
  - (C) A court-martial relating to the offense.
  - (D) A public proceeding of the services clemency and parole board relating to the offense.
  - (E) The release or escape of the accused, unless such notice may endanger the safety of any person.
- (3) The right not to be excluded from any public hearing or proceeding unless the military judge or investigating officer determines after receiving clear and convincing evidence that testimony by the victim would be materially altered.
- (4) 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 relating to the offense.
  - (C) A public proceeding of the services clemency and parole board relating to the offense.
- (5) The reasonable right to confer with the government in any of the proceedings under paragraph (2).
- (6) The right to receive restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.

(8) The right to be treated with fairness and with respect for the dignity and privacy of the victim.

b. Victims of crimes are entitled to various installation services depending on the crime in which he or she is a victim and the military and/or dependent status of the victim.

### **7-2. Victim-Witness Liaison**

a. The Victim-Witness Liaison (VWL) provides services required by Department of Defense Instructions 1030.1 and 1030.2. A VWL provides services to all victims, defined as: a person who has suffered direct physical, emotional or pecuniary harm as the result of a commission of a crime in violation of the UCMJ (or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DoD components). A VWL does not form a privileged relationship with victims and witnesses.

b. The VWL who serves as the III Corps and Fort Hood VWL is the installation's supervising VWL. Nevertheless, 1CD Office of the Staff Judge Advocate will appoint one person to serve as their servicing VWL and will always have a VWL on orders. The 1CD VWL will seek assistance and guidance from the III Corps and Fort Hood VWL as necessary.

### **7-3. Special Victim Counsel Program (SVCP)**

a. Victims of sex-related offenses, offenses defined as potential violations of Articles 120, 120a, 120b, 120c, and 125 of the UCMJ, who are entitled to legal assistance services under 10 U.S. Code § 1044, or qualified for such services at the time of the alleged offense, are entitled to receive Special Victim Counsel (SVC) services. The Fort Hood SVCP policy memorandum outlines the provision of this service on the installation.

b. The Fort Hood SVCP is supervised by the Chief, Consolidated Client Services who may further delegate supervisory responsibility. 1CD Office of the Staff Judge Advocate will provide at least two full-time, certified Judge Advocates to serve as SVC under the Chief, Consolidated Client Services.

## **Chapter 8**

### **Pretrial Restraint, Pretrial Confinement, Absentee and Post-Trial Soldier Escort Procedures**

#### **8-1. Pretrial Restraint**

Prior to any form of pretrial restraint being imposed on a Soldier, a Commander must notify their trial counsel to ensure the prompt disposition of the case and avoid speedy trial issues. Pretrial restraint includes conditions on liberty (i.e., sign-in or escort requirements), restriction, arrest, and confinement.

**8-2. Types of Pretrial Restraint**

R.C.M. 304 (Pretrial Restraint) delineates the various types of pretrial restraint (conditions on liberty, restriction in lieu of arrest, arrest, and confinement) that a Commander may employ in appropriate circumstances.

**8-3. Prior Consultation with General Court-Martial Convening Authority (GCMCA) Staff Judge Advocate (SJA) Prior to Pretrial Confinement**

An accused pending charges should ordinarily continue the performance of normal duties within the accused's organization while awaiting trial. If a Commander is contemplating placing a Soldier in pretrial confinement, he or she must consider the facts and standards set forth in R.C.M. 305 (Pretrial Confinement) and he or she or his or her servicing trial counsel must consult with their GCMCA SJA prior to placing the Soldier into pretrial confinement.

**8-4. Requirements for Pretrial Confinement**

Commanders may impose pretrial restraint only if probable cause exists to believe an offense triable by court-martial has been committed, the person to be restrained committed it, and the restraint ordered is required by the circumstances. Normally, charges against an accused will be preferred before the Soldier is placed in pretrial confinement. If this is not practicable, charges will be preferred as soon as possible after confinement or restriction tantamount to confinement is initiated.

**8-5. Appointment of Trial Defense counsel**

The servicing SJA or his or her designee will promptly notify the Senior Defense Counsel of the III Corps and Fort Hood Trial Defense Service (TDS) Office when an accused is placed in pretrial confinement.

**8-6. Notification of the Confinement Liaison Office**

Commanders, through their Trial Counsel, must also notify Fort Hood's Confinement Liaison Office via email of the intent to place a Soldier in pretrial confinement.

**8-7. Military Magistrate Review**

Trial Counsel will coordinate directly with the designated on-call magistrate to request a pretrial confinement review under R.C.M. 305(h)(2)(B). This review is not a decision to confine a Soldier, but rather a review of a Commander's decision to keep the accused in confinement. If the military magistrate will be unavailable to conduct a review for a confinee placed into confinement during their scheduled on-call duty, the managing magistrate will ensure another Part-Time Military Magistrate (PTMM) will be made available to conduct the review. For pretrial confinement review of an accused previously released by a magistrate, the unit's legal representative should initially contact the magistrate who issued the release. Compliance with all timelines established by R.C.M. 305 is required.

**8-8. Absentee and Post-Trial Soldiers Escort Procedures.**

The III Corps and Fort Hood Commanding General establishes policies and procedures regarding absentee and post-trial Soldier escort procedures. These policies and procedures are updated periodically and issued via Operation Orders (OPORD). The current OPORD is maintained by the Chief, Military Justice, III Corps and Fort Hood.

**Chapter 9, Searches, Seizures and Inspections**

Under the UCMJ, Commanders and Military Magistrates have limited authority to authorize searches and seizures. Commanders should inspect their units to ensure the security, military fitness and good order and discipline of his or her unit or organization. Before authorizing a probable cause search, seizure, and/or inspection, Commanders will first consult his or her unit's assigned Trial Counsel except in exigent circumstances.

*a. Commander Authorized Searches and Seizures.* Upon a finding of probable cause – which is reasonable belief that the person, property, or evidence sought is located in the place or on the person to be searched – Commanders can authorize the search of people or places they control on Fort Hood. This excludes privatized on-post housing. Commanders can authorize probable cause urinalyses of Soldiers. Commanders will consult with their Trial Counsel before authorizing a search except in exigent circumstances.

*b. Inspections.* Commanders should conduct regular inspections of their personnel and the places they control. Before conducting an inspection, other than an inspection urinalysis, Commanders will consult with their unit Trial Counsel. Commanders cannot inspect on-post, privatized housing.

**Chapter 10, Military Magistrates**

Fort Hood maintains a Part-Time Military Magistrate (PTMM) program. PTMMs are experienced legal officers who are directly supervised by a military judge. Military Judges may also perform military magistrate duties. All military magistrates are permitted to issue search and seizure or apprehension authorizations based upon probable cause. There are no geographic or branch of service restrictions as to which PTMMs may authorize a search, seizure or apprehension, but CONUS based Fort Hood personnel would rarely have a necessity to solicit the services of PTMMs stationed at other installations. In addition to this authority, military magistrates review the propriety of holding military personnel in continued pretrial confinement.

*a.* Military magistrates cannot authorize searches or seizures other than on a military installation except in certain circumstances. They can authorize the search or seizure of any Government property (military aircraft, vehicle, vessel, etc.) regardless of its location. They may also authorize the search or arrest of any member of the US Armed Forces, regardless of the location of such personnel.

*b.* Probable cause determinations authorizing a search and/or seizure will be based on the military magistrate's reasonable belief that the person, property, or evidence sought is located in the place or on the person to be searched. A military magistrate may issue apprehension authorizations for persons subject to the UCMJ, when

reasonable grounds exist to believe that a particular subject is suspected of having committed or is committing an offense triable by courts-martial.

c. Law enforcement agents and each unit's legal representative will be provided an on-call PTMM schedule on at least a quarterly basis by the managing magistrate. This roster will provide the scheduled times and contact information of the designated magistrate, ensuring law enforcement agents and Fort Hood units have 24/7 access to a PTMM. If the detailed on-call PTMM is not available or cannot act impartially under the circumstances, the managing magistrate will arrange for another PTMM to review the unit's matters. Military magistrates will only recuse themselves when their impartiality might be reasonably questioned. Further, command personnel are not permitted to engage in "forum shopping" by contacting other PTMMs in the event any previous attempt at securing authorization to conduct the same search was denied.

## **Chapter 11**

### **Procedures for Court-Martial<sup>1</sup>**

#### **11-1. Court-Martial Procedure**

a. No charges will be preferred unless they have been reviewed by a Judge Advocate from the Military Justice Division of the servicing SJA office. For reporting requirements when the accused is an officer, warrant officer, sergeant major, first sergeant in the grade of E-8, and master sergeant, contact the III Corps and Fort Hood OSJA, ATTN: Chief, Military Justice.

b. In accordance with R.C.M. 306(a), the Commander, III Corps and Fort Hood has withheld the authority to convene and refer cases to special courts-martial for those commands for which he or she is the GCMCA.

c. Charges and allied papers forwarded to the GCMCA will be submitted through the OSJA, Criminal Law Division.

(1) The unit paralegal will ensure the original charge sheet and allied papers are delivered to the Military Justice Division upon preferral of charges. The unit legal paralegal will promptly request the accused's OMPF/AMHRR from Human Resources Command (HRC).

(2) The unit paralegal will retain a copy of the packet for further assembly.

(3) Once the chain of command recommendations and, if necessary, the Article 32, UCMJ (Preliminary Hearing) paperwork are complete, two copies will be assembled as follows: on the left side of a green folder from top to bottom the Staff Judge Advocate (SJA) pre-trial advice (for referral); Chain of command recommendation (FH 4-50; ensure these are dated), Convening Order(s), original charge sheet, audio recording of the Article 32 Preliminary Hearing (if applicable), Article 32 PHO's report and summarized transcript or written defense waiver of Article 32 Hearing, Defense delays of Article 32 and the PHO's response, appointment of the PHO and his or her notification, PTC Documents (if applicable), allied papers/supporting documents (these should be the documents used at preferral and reviewed by the person preferring

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<sup>1</sup> The 1CD and DIVWEST GCMCA retain discretion to establish courts-martial procedures for units and personnel attached or assigned under their UCMJ jurisdiction.

charges; all discovery is not required). For drug use cases, include the litigation packet and the unit urinalysis report. For AWOLs ensure all relevant 4187s are present and in order from earliest to most recent, and if there is a previous charge sheet the dismissal will be included. If laboratory data is used, include the lab report. The accused's FLAG will be present and the last page on the left side will be the ERB/ORB.

d. The Commanding General delegates to the SJA the authority to approve the payment of transportation expenses and allowances to civilian witnesses appearing before Article 32, UCMJ hearings.

e. Verbatim transcripts of Article 32 hearings will not be made without the approval of the III Corps and Fort Hood SJA or his designee. Requests will be made to the III Corps Chief, Criminal Law. If the transcription request is denied by the III Corps Chief, Criminal Law, the requesting SJA may petition the III Corps SJA for approval.

f. Pursuant to AR 27-10, para. 5-3, the SJA's designee, the Chief, Criminal Law of III Corps and Fort Hood, will detail trial counsel to courts-martial.

f. When either the government or the defense desires to employ an expert witness or consultant at government expense, the party desiring the witness will, prior to hiring the expert, submit a request to the GCMCA. This includes a person employed by the government as his or her appointment to serve as an expert and/or consultant is effectuated by the GCMCA. Only the GCMCA may authorize the employment of an expert witness or consultant at government expense, and/or appointment of a government employee to serve as an expert witness and/or consultant on a case. These requests, must be submitted via the III Corps and Fort Hood OSJA, and must include the name, address, and telephone number of the expert and a synopsis of the expected testimony, sufficient to show relevance and necessity. If the request requires a contracting action for the employment of the expert witness and/or consultant, the request should be submitted NLT 45 days before the person is to begin work or the trial date, whichever is earlier.

g. Military witnesses will cooperate with both the trial and defense counsel to the extent that this does not infringe upon a statutory or regulatory right of the witness if he or she is a victim in the case. Court-martial trials are conducted at the Lawrence J. Williams Judicial Center, Building 5794 and the 1CD Headquarters Building Courtroom.

h. The accused's Commander will detail one or two bailiffs for all court hearings as required. The bailiffs must be NCOs senior in rank to an enlisted accused. The bailiffs' uniforms are the Army Service Uniform. A bailiff's role is to maintain good order and discipline in the courtroom; this should be considered when detailing a bailiff. The accused's Battalion-Level Commander will detail two guards in duty uniform to escort the accused for all court hearings. Guards will not be armed unless specifically advised by the trial counsel or the military judge. One guard must be a NCO senior in rank to an enlisted accused, and whenever possible, at least one guard will be female if the accused is female.

i. If circumstances require Military Police support for a particular court-martial, the trial counsel detailed to the case will coordinate with installation law enforcement for support at the earliest opportunity. On a case-by-case basis, to the extent practicable, installation law enforcement will support courts-martial by providing adequate security.

**11-2. Signature Authority**

The following III Corps and Fort Hood legal personnel: the SJA; the Deputy SJA; Chief, Criminal Law Division; Legal Administrators; Command Paralegal NCO; Senior Military Justice Operations NCO; NCO In-Charge, Criminal Law Division and Senior Trial Counsel are authorized to authenticate and sign all documents pertaining to military justice, including but not limited to: memoranda to charge sheets, court-martial convening orders, court-martial promulgating orders, correspondence returning military justice actions to subordinate commands, requests for excess leave, exceptions to policy for the transportation of household goods for Soldiers who are convicted at courts-martial or administratively eliminated, reduction orders, and all other military justice actions or adverse administrative actions, as directed by the Commanding General.

**11-3. Release of Information Pertaining to the Administration of Military Justice and Accused Persons**

*a. General.* Public information and access to military justice proceedings promotes public awareness and confidence in the military justice system. Those responsible for administering military justice and those providing information to the public and the media must exercise sound judgment to strike a fair balance by considering the following: protection of individuals accused of offenses, improper and unwarranted publicity, public understanding and transparency of the military justice system, and the state of discipline in the military. No statements or other information shall be furnished to the news media or any other source for the purpose of prejudicing the outcome of an accused's trial, or which could reasonably be expected to have such an effect (AR 27-26, Rule 3.6).

*b. Release and dissemination of Information.* The release and dissemination of information pertaining to military justice matters, including accused persons, shall be accomplished via the convening authority's public affairs officer. Requests for information received from representatives of the news media shall be referred to the appropriate public affairs officer for action. When an individual is suspected of an offense, care should be taken to indicate that the individual is alleged to have committed an offense, as distinguished from stating or implying that the accused has actually committed an offense. As a general rule, an appropriately redacted copy of the charge sheet should not be released until after arraignment unless public interest significantly outweighs the privacy interest of the accused. The following factors should be considered when releasing charge sheets:

(1) After Preferral. Generally, the grade of the accused and the general nature of the offenses may be released but the charge sheet should not be released because specifications can easily be amended.

(2) Cases Pending Article 32: Generally, the name and grade of the accused and the general nature of the offenses may be released but the charge sheet should not be released because specifications can easily be amended.

(3) After Referral. Generally, the name, grade, age, unit, duty station, and gender of the accused and the general nature of the charges may be released. A copy of the charge sheet generally will not be released.

(4) After arraignment. Because arraignment signifies greater finality of the charges (RCM 601(e)(2)), an appropriately redacted copy of the charge sheet may be released. Any release of the charge sheet should be accompanied by a statement that charges are merely accusations and that the accused is presumed innocent until proven guilty.

(5) Prohibited Information. Subjective opinions, observations, or comments concerning the accused or any witness's character, demeanor, credibility, or expected testimony will not be released. Nor will any other information be released when there is a reasonable likelihood that the dissemination of such information will affect the deliberations of an investigative body or the findings or sentence of a court-martial, or otherwise prejudice the due administration or military justice before, during or after trial. Trial Counsel are prohibited from commenting to the media without SJA approval IAW TJAG policy.

c. Personnel assigned to the U.S. Army Trial Defense Service (USATDS) are expected to handle responses to the news media in accordance with USATDS policy.

#### **11-4. Personnel of Other Services**

Offenses by members of other armed services will normally be referred to the armed service concerned for appropriate action.

#### **11-5. Persons not Subject to Court-Martial Jurisdiction**

Persons not subject to court-martial jurisdiction (i.e., civilian employees, civilians, and Family members) are subject to adverse administrative action and the criminal jurisdiction of the United States and the State of Texas. A Commander considering adverse action against civilians or Family members should consult with their servicing SJA.

### **Chapter 12**

#### **Courts-Martial Member and Duty<sup>2</sup>**

a. Once the III Corps and Fort Hood GCMCA has personally chosen the court members, this is the court members' primary duty and takes precedence over all other duties unless specifically excused by the convening authority or the SJA as outlined below. Court members must notify the appropriate Military Justice Operations NCO of **any** pre-approved temporary duty (TDY), **any** other absence from Fort Hood, PCS, retirement/ETS, or deployment. Court members will affirmatively acknowledge receipt, in writing, to the appropriate Military Justice Operations NCO when notified of a court-martial trial date. This written acknowledgement can be in the form of an e-mail. If a court-martial member needs to request an excusal due to pre-approved leave, TDY, or other reason, the detailed justification and request for excusal must be sent NLT 10 duty days before the start of the trial. The justification should include copies of the pre-approved leave form or TDY orders.

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<sup>2</sup> The GCMCAs for 1CD and DIVWEST retain discretion to establish court-martial member procedures for units and personnel attached or assigned under their UCMJ jurisdiction.



b. Once the III Corps and Fort Hood GCMCA has personally chosen the court members, the authority to sign the convening order and the documents detailing the members is delegated to the III Corps OSJA, Chief, Criminal Law, Deputy Staff Judge Advocate, and Chief Legal Administrator. This includes situations where an enlisted Soldier elects to be tried by an enlisted panel. In such situations, the primary officer members designated for replacement are replaced by the designated enlisted members in the order designated by the convening authority.

c. The Commanding General delegates to the SJA (and in the absence of the SJA, the Acting SJA) the authority to excuse no more than one third of the court-members prior to assembly in accordance with R.C.M. 505(c) (Changes of Members, Military Judge, and Counsel).

d. Members will complete a court-martial panel questionnaire upon selection by the III Corps and Fort Hood GCMCA. Each member will continue to update panel questionnaires maintained by the Military Justice Division to reflect any changes to duty assignment, rank, or contact information as soon as possible.

## **Chapter 13**

### **Supervision of Military Justice in III Corps and Fort Hood**

#### **13-1. Staff Judge Advocate (SJA)**

As the servicing OSJA to the Senior Commander, the III Corps and Fort Hood OSJA is the consolidated legal center for the III Corps and Fort Hood GCM jurisdiction. All Command Judge Advocate offices on Fort Hood, including but not limited to: 13th SC(E), Operational Testing Command (OTC), and Carl R. Darnall Army Medical Center are separately located, but the personnel assigned to those offices fall within the technical supervision of the III Corps and Fort Hood SJA. The SJA has primary responsibility for the assignment authority, operational control, training responsibility, management, education, professional development, technical supervision, and proper utilization of all legal personnel on Fort Hood. This applies to all judge advocates (27A), civilian attorneys, legal administrators (27A), paralegal specialists (27D), paralegal NCOs (27D), civilian paralegals and legal assistants, and court reporters (27DC5), regardless of table of organization and equipment (TOE) and table of distribution and allowances (TDA). The 1CD and DIVWEST SJAs are delegated this authority for the above personnel assigned to their MTOE. The III Corps and Fort Hood, 1CD, and DIVWEST Command Paralegal NCOs are responsible for all training required and performed by military paralegals and court reporters within their organization.

#### **13-2. Location, Supervision, and Evaluation of Judge Advocates in Brigades**

a. *Location.* The Brigade Judge Advocate (BJA) is assigned to a Brigade. The BJA will work at the brigade headquarters. While at Fort Hood, during garrison operations, the primary place of duty for brigade Trial Counsel will be the Military Justice Division of the appropriate OSJA (See TJAG Policy 14-08, dtd. 25 Aug 2014). This will foster effective training, and will ensure consistency in the quality of legal services delivered. This also complies with The Judge Advocate General's policy,

*b. Supervision.* The BJA is a member of the Brigade Commander's personal and special staff, with a direct line of communication to the Commander. The SJA will provide technical guidance to the BJA; however, supervision of the BJA's routine, day-to-day duties will be determined by the Brigade Commander. While at Fort Hood during garrison operations, the routine day-to-day duties of the brigade Trial Counsel will be supervised by the Chief, Criminal Law Division. However, to the fullest extent possible, consistent with their trial counsel responsibilities, Trial Counsel will participate in all Brigade training. During training exercises and operational missions, the Trial Counsel will be supervised by the BJA.

*c. Evaluation.* The BJA will normally be rated by the SJA and senior rated by the Brigade Commander. The brigade Trial Counsel will be rated by a field-grade BJA, if such a person is assigned to the unit, and senior rated by the SJA. These rating schemes are designed to ensure judge advocates receive both leadership and mentoring from their unit chain of command, as well as professional guidance on the practice of law from a senior judge advocate. Trial Counsel not assigned to a Brigade, and Trial Counsel without a field-grade BJA assigned to the Brigade, will normally be rated by the Chief, Criminal Law Division and senior rated by the SJA.

### **13-3. Legal Support Personnel**

Paralegal specialists, court reporters, and paralegal NCOs will not be assigned regular duties inconsistent with their military occupational specialty when such duties will delay the processing of legal actions. Judge Advocates, paralegal specialists, court reporters, and paralegal NCOs should be exempt from all unit detail rosters because of the potential conflict these details create with their legal duties. Commanders will exempt from detail rosters, judge advocates, paralegal specialists, court reporters, and paralegal NCOs who are assigned to their units (See AR 27-1, paragraph 3-2c; AR27-10, paragraph 6-4h). Subordinate Commanders shall not detail a court reporter to an Article 32, UCMJ hearing or summary courts-martial without the express written permission of the III Corps and Fort Hood SJA.

### **13-4. Location, Supervision, and Evaluation of Paralegals and Paralegal NCOs (27Ds) Assigned to Brigades**

*a. Location.* Many 27Ds are assigned to Brigades. Accordingly, the primary place of duty for the noncommissioned officer in charge (NCOIC) of the Brigade Legal Office and the paralegals under his/her supervision is at the brigade.

*b. Supervision.* The NCOIC of the Brigade Legal Office and the paralegals under his/her supervision are part of the Brigade Commander's personal and special staff, with a direct line of communication to the Commander. The NCOIC, Military Justice, Office of the SJA, III Corps and Fort Hood, will provide technical guidance and training to the brigade paralegals; however, supervision of the brigade paralegals' routine, day-to-day duties will be determined by the Brigade Commander and the BJA (in the absence of an assigned BJA, then the brigade trial counsel). To the fullest extent possible, consistent with their paralegal responsibilities, brigade paralegals will participate in all Brigade training.

**Chapter 14****Article 32 Preliminary Hearing Officers<sup>3</sup>**

a. Before the preferral of charges the Chief, Criminal Law Division, or his designee, will coordinate with the Chief, Administrative Law, or his designee, to detail a Judge Advocate to serve as a Preliminary Hearing Officer (PHO).

b. The PHO will abide by the timelines as set-out in his or her memorandum of appointment. If the PHO needs an extension of time he or she will timely request an extension in writing to the appointing authority.

c. Duty as a PHO takes priority over all other duties. These officers are prohibited from taking leave, pass, training holidays, or TDY without personal approval from the Chief, Administrative Law who will track their timelines and outstanding reports. This authority may not be delegated.

d. The PHO will conduct his duties in accordance with NDAA 2014 sec. 1702, RCM 405 and DA PAM 27-17. When the guidance in the DA Pam conflicts with the RCM, PHOs should default to the RCM.

**Chapter 15****Summary Court-Martial Officers**

The 1CD and DIVWEST GCMCAs retain discretion to establish courts-martial procedures for units or personnel attached or assigned under their UCMJ jurisdiction.

a. Officers appointed as summary courts-martial (SCM) officers will contact their servicing OSJA, Administrative Law Division for advice concerning their duties within 24 hours after notification of appointment or receipt of the appointment memorandum, whichever is sooner. The SCMCA will provide the SCM officers with a complete case file, to include charge sheets and all allied papers.

b. Duty as a SCM officer takes priority over all other duties. These officers are prohibited from taking leave, pass, training holidays, or TDY without personal approval from the convening authority. This authority may not be delegated. SCM officers will not be assigned other duties that interfere with the prompt disposition of their assigned cases.

**Chapter 16****Trial Defense Service**

a. *United States Army Trial Defense Service (TDS)*. The Fort Hood Field Office, United States Army Trial Defense Service (TDS), provides no-cost defense legal advice and representation to all active-duty Soldiers assigned to or performing duty at Fort Hood, Texas.

(1) Any Soldier pending court-martial, non-judicial punishment (NJP), or adverse administrative separation, or who believe that they may face such action, should contact

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<sup>3</sup> The 1CD and DIVWEST GCMCAs retain discretion to establish courts-martial procedures for units or personnel attached or assigned under their UCMJ jurisdiction.

the Fort Hood TDS office. Commanders will ensure that Soldiers are brought to the Fort Hood TDS office as provided in paragraphs 16-b, 16-c, and 16-d.

(2) The Fort Hood TDS office is located at Building 279, 761st Tank Battalion Avenue (across the street from Candlewood Suites) and maintains regular hours of operation that are posted on the exterior of the building. Any variation from the posted schedule will be communicated through legal channels.

(3) In addition to paralegals assigned to deployable Fort Hood TDS Detachments (258th JAG DET and 269th JAG DET), the Fort Hood TDS office relies on local unit support to provide timely processing of defense legal services. GCMCAs are responsible for providing qualified paralegal support to the Fort Hood TDS office IAW paragraph 6-4, AR 27-10. At a minimum, each GCMCA referring cases to courts-martial on Fort Hood will provide one qualified and experienced MOS 27D Soldier to work at the Fort Hood TDS office. This paralegal will wear the TDS patch. Additional paralegal support may be required when the SJA of a GCMCA and the TDS Regional Defense Counsel agree that such support is necessary to meet the defense legal needs of that command.

(4) Soldiers provided IAW paragraph a(3), above, will be attached to the 258th JAG DET, HHBN, III Corps, and will process leave forms accordingly.

(5) Soldiers provided IAW paragraph a(3), above, will be counseled, rated, and recommended for awards through TDS channels.

*b. Article 15, UCMJ, Counseling.* When contemplating NJP of a Soldier through a non-summarized Article 15 action, the Commander will ensure that the Soldier is escorted to the Fort Hood TDS office as follows:

(1) Soldiers will report to the Fort Hood TDS Office, at the appointed time with one legible copy of the Article 15 (DA Form 2627 [Record of Proceedings Under Article 15, UCMJ]) and all supporting evidence and documentation. Commanders will provide Soldiers facing NJP with all reasonably available evidence relating to the alleged offense(s). At a minimum, Soldiers must arrive at TDS with sufficient evidence to inform the defense counsel and Soldier of the nature and source of each alleged offense. The Article 15 needs to be signed and dated by the imposing Commander. Soldiers appearing without these items will not be counseled. If the Soldier cannot be counseled for these reasons, the right to consult with counsel is not waived.

(2) A Soldier facing NJP may, after being counseled regarding their rights, waive consultation with defense counsel and return to their unit. The decision to waive consultation must be knowing and voluntary, and may not be made without the initial NJP counseling provided at the Fort Hood TDS office.

(3) Soldiers undergoing summarized Article 15 proceedings (DA Form 2627-1) do not have the right to consult with TDS counsel before the adjudicating Commander takes action.

*c. Administrative Separation Counseling.*

(1) Every Soldier processed for separation under Chapters 5, 9, 13, 14, 15 and 18 of AR 635-200 (Active Duty Enlisted Administrative Separations) and officer processed for separation under AR 600-8-24 (Officer Transfers and Discharges), has the right to be counseled by a lawyer or trial defense counsel.

(2) Soldiers reporting for consultation should have the complete separation packet with them, to include all supporting documentation (i.e., Article 15, counseling statements, Army Physical Fitness Test (APFT) records, Military Police (MP) reports, etc.). The notification of the initiation of separation must be signed and dated by the initiating Commander. The prerequisite medical and psychiatric reports will also be included in the packet. Soldiers appearing without the complete packet, supporting evidence, or medical or psychiatric reports will not be counseled. If the Soldier cannot be counseled for these reasons, the right to consult with counsel is not waived.

(3) Commanders will ensure that Soldiers facing separation action described in this paragraph will be escorted to the Fort Hood TDS office IAW posted service hours. No Soldier facing adverse action may waive their right to consultation with an attorney without first receiving the initial legal counseling at the Fort Hood TDS office.

(4) In cases where a Soldier is held in civilian confinement and facing administrative separation under paragraph 14-5 of AR 635-200, the initiating Commander is responsible for assisting the Fort Hood TDS office in facilitating that Soldier's counseling by, and consultation with, TDS counsel to include arrangements for TDS counsel to travel to the confinement facility for consultation, if necessary. This does not include facilitating a separation board being held a confinement facility.

*d. Suspect Rights Counseling.*

(1) Any Soldier who believes that he or she may face adverse criminal or administrative action may contact the Fort Hood TDS office during posted hours for confidential, no-cost, defense legal advice. Upon becoming aware that a Soldier may need such advice, Commanders will assist the Soldier in obtaining such advice from TDS. Under no circumstances will any member of a command require the Soldier to explain the reasons for seeking legal counsel at the TDS office or otherwise hinder the Soldier in obtaining such advice.

(2) Before a member of the United States (U.S.) military begins questioning a Soldier regarding a suspected UCMJ violation, that member must inform the Soldier of his or her rights under Article 31, UCMJ (Rights).

(3) If the Soldier elects to remain silent, the command will stop questioning the Soldier immediately.

(4) If the Soldier requests to speak with an attorney, the command should immediately cease questioning and send the Soldier to TDS. The command may not re-initiate questioning until the Soldier has had an opportunity to speak with counsel. If TDS counsel is unavailable, the command will coordinate for telephonic consultation with a TDS attorney.

(5) Once the Soldier has notified the command of representation by counsel, the command will direct all questions regarding the suspected offense through the Soldier's counsel.

## **Chapter 17**

### **Administrative Separation and Board of Inquiry Duty<sup>4</sup>**

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<sup>4</sup> The 1CD and DIVWEST GCMCAs retain discretion to establish administrative board and duty procedures for units and personnel attached or assigned under their UCMJ jurisdiction.

a. Once the convening authority has personally chosen the administrative separation board or board of inquiry members, this is the board member's primary duty and takes precedence over all other duties unless specifically excused by the convening authority or the SJA as outlined below. Board members must notify the Senior Paralegal NCO, Criminal Law Division of any TDY or other absence from Fort Hood. Board members will affirmatively acknowledge receipt, in writing, to the Senior Paralegal NCO, Military Justice Division when notified of a board date. This written acknowledgement can be in the form of an e-mail. If a board member needs to request an excusal due to pre-approved leave, TDY, or other reason, the detailed justification and request for excusal must be sent NLT 15 days before the start of the board. The justification should include copies of the pre-approved leave form or TDY orders.

b. Once the convening authority has personally chosen the administrative separation board-members, the authority to sign the necessary documents detailing the board members is delegated to the III Corps and Fort Hood SJA, Chief, Military Justice, Deputy Staff Judge Advocate, or Chief Legal Administrator. If the primary board members are excused, the members are replaced in the order designated by the convening authority and the authority to sign all documents reflecting the same is delegated to the officers previously mentioned.

c. *Actions for Soldiers in the Integrated Disability Evaluation System Process (IDES)*. IAW AR 600-60, Physical Performance Evaluation System, paragraph 4-5, the Deputy Commanding General, III Corps and Fort Hood is delegated authority to approve, disapprove, or otherwise dispose of actions for Soldiers in the IDES process under the GCMCA of III Corps and Fort Hood. Every action taken according to such delegation will state that the action is taken "pursuant to delegation of authority IAW III Corps & FH Reg 27-10."

## **Chapter 18**

### **Inclusion of Information on Sex-Related Offenses in the Army Military Human Resources Record**

Pursuant to Army Directive 2014-29 any courts-martial convictions, non-judicial punishment, and punitive reprimands in a Soldier's record that are the result of a sex-related offense must be filed permanently in the Soldier's Army Military Human Resources Record (AMHRR)

a. Sex-related offenses are defined as follows:

(1) Any violation of Article 120: Rape and sexual assault. This includes rape, sexual assault, aggravated sexual contact and proof of threat.

(2) Any violation of Article 120a: Stalking.

(3) Any violation of Article 120b: Rape and sexual assault of a child. This includes rape, sexual assault, sexual abuse of a child and proof of threat.

(4) Any violation of Article 120c: Other sexual misconduct. This includes indecent viewing, visual recording or broadcasting.

(5) Any violation of Article 125: Forcible sodomy; bestiality; and,

(6) Any violation of Article 80: Attempt (any attempt to commit the offenses (1)-(5) above).

b. Commanders at all levels are required to consult their servicing Trial Counsel before taking any action with regards to the offenses listed in para. a above.

## Chapter 19

### Adverse Information Pilot Program.

a. This chapter does not apply to 1st Cavalry Division or DIV West. On 21 July 2015, the Secretary of the Army established the Adverse Information Pilot Program (AIPP). AIPP applies to officially documented command investigations or inquiries containing a substantiated adverse finding against a field grade officer made on or after 3 January 2014. The Army Adverse Information Portal (AAIP) is a database designed to log adverse personnel information. The approval authority of the investigation or inquiry is the final arbiter of whether the information is deemed adverse and therefore must be uploaded. The approval authority will have the advice of the SJA when making this determination. If the approval authority finds that the information is not adverse, it is best practice to have a specific written finding on that point. Motor vehicle violations that did not require a court appearance, minor infractions that did not result in more than a non-punitive counseling and information attributed to an individual 10 or more years before the date of the personnel action do not fall under the AIPP and should not be uploaded.

b. Adverse Information. Adverse information is any substantiated adverse finding or conclusion from an officially documented investigation or inquiry or any other credible information of an adverse nature. To be credible, the information must be resolved and supported by a preponderance of the evidence. To be adverse, the information must be derogatory, unfavorable, or of a nature that reflects clearly unacceptable conduct, integrity, or judgment on the part of the individual.

c. OSJA Responsibility. The III Corps and Fort Hood OSJA is the only legal office authorized to upload investigations into AAIP and may only upload investigations that fall within their jurisdiction. In addition to uploading the information, the III Corps and Fort Hood OSJA will prepare summaries of all qualifying investigations for the GCMCA, who will have the opportunity to provide comments to be added to the AAIP entry. Any questions regarding AIPP or the reporting requirements may be directed to the Chief, III Corps and Fort Hood ADLAW. The NCOIC, III Corps and Fort Hood Criminal Law Division is designated as the point of contact for AIPP actions requiring upload.

d. The commander approving the AAIP summary is the investigation approving authority. The commander providing comments for input into AAIP is the commander who took action on the recommendations (i.e. counseling statements, issued a reprimand, NJP, etc.). Each SPCMCA is responsible for identifying qualifying adverse information from an investigation that was initiated by their respective commands into AAIP.

**Appendix A  
References**

**Section I  
Required Publications**

**AR 27-10**

Military Justice (Cited in para 4-6)

**AR 220-5**

Designation, Classification, and Change of Status of Units (Cited in para 2-2)

**AR 600-8-24**

Officer Transfers and Discharges (Cited in para 13b(1))

**AR 600-20**

Army Command Policy (Cited in para 4-5, 4-5b, and 14c)

**AR 600-37**

Unfavorable Information (Cited in para 6a)

**AR 623-3**

Evaluation Reporting System (Cited in para 4-5)

**AR 635-200**

Active Duty Enlisted Administrative Separations (Cited in para 13b(1))

**Article 15, UCMJ**

Non-judicial Punishment (Cited in para 2-1, 3e, 4-4e, 4-6, 4-11c, 4-11d, 9c(3), 13a, 13a(1), 13a(2), and 13b(2))

**Article 31, UCMJ**

Rights (Cited in para 13c(1))

**Article 32, UCMJ**

Investigations (Cited in para 9c(3), 9d, 11-2, 12b(2), and 12b(4))

**Article 85, UCMJ**

Desertion (Cited in para 4-9)

**Article 86, UCMJ**

Absence without Leave (Cited in para 4-9)

**DA PAM 623-3**

Evaluation Reporting System (Cited in para 4-5)



**FH Reg 190-5**

Fort Hood Traffic Code (Cited in para 6e)

**FH Reg 190-11**

Weapons (Cited in para 4-10 and 4-10a)

**R.C.M. 304**

Pretrial Restraint (Cited in para 8-2)

**R.C.M. 305**

Pretrial Confinement (Cited in para 8-3)

**R.C.M. 306**

Initial Disposition (Cited in para 3a, 4-2, 4-4, and 9b)

**R.C.M. 505**

Changes of Members, Military Judge, and Counsel (para 10c)

**R.C.M. 1114**

Promulgating Orders (Cited in para 9f)

**Section II**

**Related Publications**

**AR 190-5**

Motor Vehicle Traffic Supervision

**AR 190-47**

The Army Corrections System

**AR 600-8-2**

Suspension of Favorable Personnel Actions (FLAGS)

**AR 600-8-10**

Leaves and Passes

**AR 600-8-19**

Enlisted Promotions and Reductions

**AR 600-60**

Physical Performance Evaluation System

**DOD Directive 1030.1**

Victim and Witness Assistance

**DOD Directive 5525.4**

Enforcement of State Traffic Laws on DOD Installations

**DODI 1030.2**

Victim and Witness Assistance Procedures

**DODI 6055.4**

DOD Traffic Safety Program

**FH Reg 190-2**

Motor Vehicle Traffic Supervision

**FH Reg 210-48**

Installation Housing Community Standards

**Manual for Courts-Martial, United States**

**Memorandum of Understanding Between the Department of Justice and the Department of Defense Relating to the Investigation and Prosecution of Certain Crimes**

**Texas Penal Code, Section 42.01(a)(1)(5)**

**18 USC Section 13**

Crimes and Criminal Procedures, Part I – Crimes Chapter

**18 USC Section 18**

Crimes and Criminal Procedures, Part II – Crimes Procedures

**Section III**

**Prescribed Forms**

**DA Form 2a**

Personnel Qualification Record, Part I – Enlisted Peacetime (Prescribed in para 9c(3))

**DA Form 2-1**

Personnel Qualification Record (Prescribed in para 9c(3))

**DA Form 2627**

Record of Proceeding under Article 15, UCMJ (Prescribed in para 13a(1))

**DA Form 2627-1**

Summarized Record of Proceeding Under Article 15, UCMJ (Prescribed in para 13a(2))

**DA Form 3881**

Rights Warning Procedure/Waiver Certificate (Prescribed in para 13c(1))

**DD Form 457**

Investigating Officer's Report (Prescribed in para 9c(3))

**DD Form 458**

Charge Sheet (Prescribed in para 9c(3))

**Section IV**

**Referenced Forms**

**DA Form 268**

Report to Suspend Favorable Personnel Actions (FLAG)

**DA Form 2028**

Recommended Changes to Publications and Blank Forms

**DA Form 4187**

Personnel Action

**DA Form 4430**

Department of the Army Report of Result of Trial

**DA Form 7568**

Army Victim/Witness Liaison Program Evaluation

**DD Form 2703**

Post-Trial Information for Victims and Witnesses of Crime

**DD Form 2704**

Victim/Witness Certification and Election Concerning Inmate Status

**DD Form 2705**

Victim/Witness Notification of Inmate Status

**DD Form 2706**

Annual Report on Victim and Witness Assistance

**DD Form 2707**

Confinement Order

**FH Form 1853**

Distribution Scheme

13 April 2016

III CORPS & FH REG 27-10

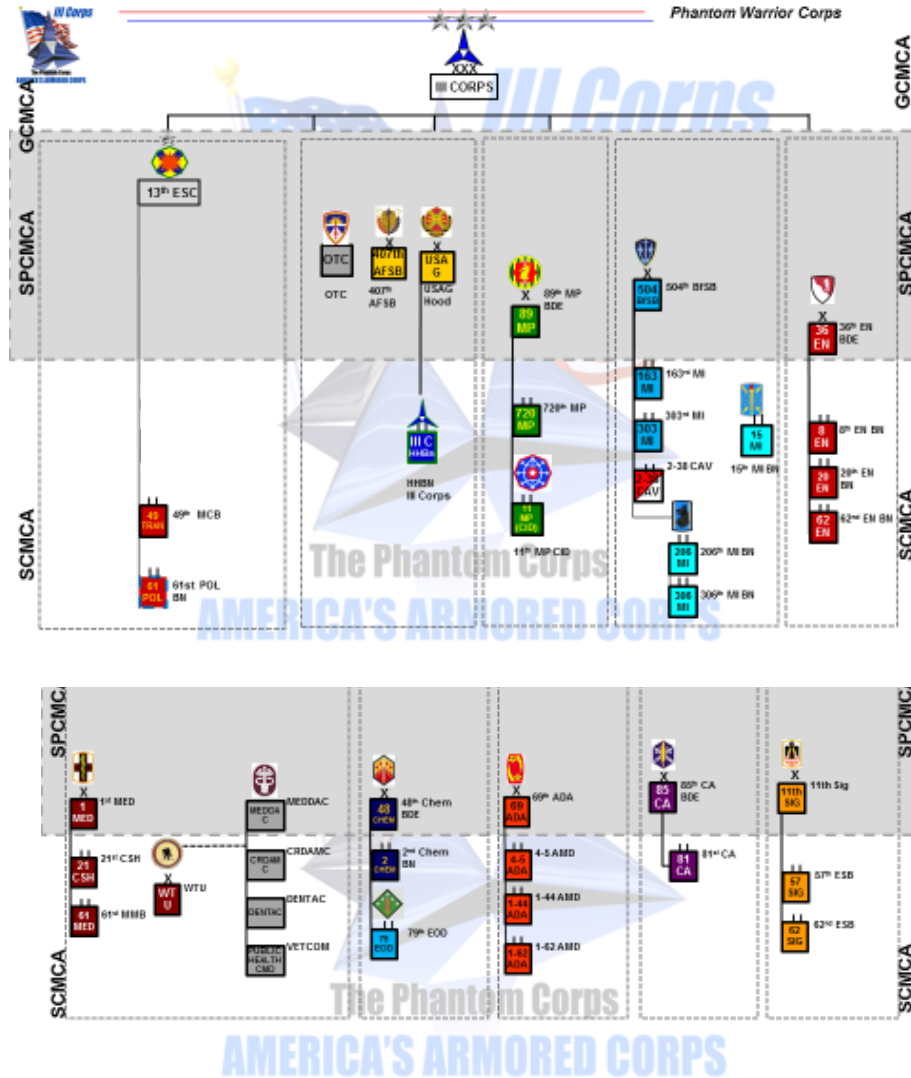
**FH Form 1875**

Unit Commander's Observation/Evaluation of Prisoner

**SF 600**

Chronological Record of Medical Care

**Figure A-1.**  
**III Corps and Fort Hood General Court-Martial Convening Authority (GCMCA)**  
**Jurisdiction\***



\*The III Corps and Fort Hood, Office of the Staff Judge Advocate, Chief, Military Justice Division, maintains a current GCMCA jurisdiction chart, a copy of which can be found at obtained from the III Corps and Fort Hood, Criminal Law Division.

**Note:**

\* The III Corps and Fort Hood UCMJ jurisdiction may change due to mission or organization. If there are any questions about jurisdiction, check with the OSJA, Criminal Law Division.

## **Glossary**

### **Section I Abbreviations**

#### **ACU**

Army Combat Uniform

#### **AMHRR**

Army Military Human Resource Records

#### **APFT**

Army Physical Fitness Test

#### **AR**

Army Regulation

#### **ARNG**

Army National Guard

#### **ATTN**

Attention

#### **AWOL**

Absent Without Leave

#### **BAC**

Blood Alcohol Content

#### **CG**

Commanding General

#### **DA**

Department of the Army

#### **DD**

Department of Defense (Forms)

#### **DIVWEST**

First Army Division West

#### **DOD**

Department of Defense

**DODI**

Department of Defense Instruction

**DUI**

Driving Under the Influence

**DUIC**

Derivative Unit Identification code

**DWI**

Driving While Intoxicated

**ETC.**

Et Cetera

**FH**

Fort Hood

**FORSCOM**

Forces Command

**GCM**

General Court-Martial

**GCMCA**

General Court-Martial Convening Authority

**GOMOR**

General Officer Memorandum of Reprimand

**HHC**

Headquarters and Headquarters Company

**HRC**

Human Resources Command

**IAW**

In Accordance With

**JAG**

Judge Advocate General

**MMRB**

Military Occupational Specialty Medical Retention Board

**MOS**

Military Occupational Specialty

**MP**

Military Police

**MTOE**

Modification Table of Organization and Equipment

**NCO**

Noncommissioned Officer

**NCOER**

Noncommissioned Officer Evaluation Report

**NDAA**

National Defense Authorization Act

**NJP**

Non-Judicial Punishment

**NLT**

Not Later Than

**OER**

Officer Evaluation Report

**OMPF**

Official Military Personnel File

**OSJA**

Office of the Staff Judge Advocate

**OTC**

Operational Test Command

**PAM**

Pamphlet

**PARA**

Paragraph

**PCS**

Permanent Change of Station



**PHO**

Preliminary Hearing Officer

**RC**

Reserve Component

**R.C.M.**

Rule for Court-Martial

**REG**

Regulation

**SAUSA**

Special Assistant United States Attorney

**SCM**

Summary Court-Martial

**SJA**

Staff Judge Advocate

**SPCMCA**

Special Court-Martial Convening Authority

**TDA**

Table of Distribution and Allowances

**TDS**

Trial Defense Service

**TDY**

Temporary Duty

**TOE**

Table of Organization and Equipment

**UCMJ**

Uniform Code of Military Justice

**UIC**

Unit Identification Code

**US**

United States

13 April 2016

III CORPS & FH REG 27-10

**USC**

United States Code

**1CD**

1st Cavalry Division

**1AD**

1st Armored Division

**1ID**

1st Infantry Division

**4ID**

4th Infantry Division

**13th SC(E)**

13th Sustainment Command (Expeditionary)

**Section II**

**Terms**

This section not used.



**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, FORT HOOD  
1001 761ST TANK BATTALION AVENUE  
FORT HOOD, TEXAS 76544

AFZF-CG

**13 APR 2016**

MEMORANDUM FOR SEE DISTRIBUTION

**SUBJECT:** Annex A to FH Regulation 27-10, Designation and Alignment of Court-Martial Convening Authorities and Uniform Code of Military Justice (UCMJ) Command Authority for Headquarters, Fort Hood General Court-Martial Jurisdiction, Fort Hood, Texas 76544

1. Purpose. This memorandum sets forth the subordinate Court-Martial Convening Authorities jurisdictional alignment within the Fort Hood General Court-Martial Convening Authority (GCMCA) jurisdiction. Special Court-Martial Convening Authority jurisdictions (SPCMCA) and Summary Court-Martial Convening Authority jurisdictions (SCMCA) subordinate to the Fort Hood GCMCA are set forth below. It supersedes all previous jurisdictional alignments.
2. I serve as the GCMCA for all Army units within the Fort Hood area of responsibility not otherwise assigned to a GCMCA. Per FH Reg. 27-10, HHBN, III Corps will exercise universal SCMCA jurisdiction for any unit not otherwise assigned to an SCMCA in this memorandum. All Soldiers not assigned to a unit for Uniform Code of Military Justice (UCMJ) purposes, and all elements without a local company commander that are not otherwise provided for in this memorandum, are attached to HHBN, III Corps for UCMJ purposes.
3. Pursuant to Rule for Court-Martial (R.C.M.) 504(b)(1) and Article 22 (a)(5), UCMJ, the Commander of III Corps exercises GCMCA as a commander of an Army Corps. Second, pursuant to R.C.M. 504(b)(1) and Article 22(a)(8), UCMJ, the Commander of Fort Hood exercises GCMCA as Commander, Fort Hood designated by the Secretary of the Army (Department of the Army General Order 3, dated 19 January 1981). Finally, pursuant to R.C.M. 504(b)(1) and Article 22(a)(8), UCMJ, the Commander of III Corps and Fort Hood exercises GCMCA as Commander, III Corps and Fort Hood, as designated by the Secretary of the Army (Department of the Army General Order 3, dated 19 January 1981). Under statutory authority, I serve as the superior GCMCA under the provisions of 10 USC §822, 10 USC §823 and as the competent superior review authority for purposes off §1744 of the 2014 National Defense Authorization Act (NDAA) for 1st Infantry Division, 1st Armored Division, 1st Cavalry Division and 4th Infantry Division.
4. Except where otherwise specified below, each lettered subparagraph ["a, b, c..."] detailed below delineates a SPCMCA subordinate to the III Corps and/or Fort Hood; each numbered subparagraph ["(1), (2), (3)..."] under each SPCMCA delineates a

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SUBJECT: Designation and Alignment of Court-Martial Convening Authorities and Uniform Code of Military Justice (UCMJ) Command Authority for III Corps and Fort Hood General Court-Martial Jurisdiction Fort Hood, Texas 76544

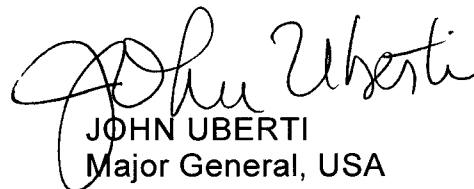
subordinate SCMCA; and each lettered subparagraph ["(a), (b), (c)..."] under each SCMCA delineates company level UCMJ authority under each SCMCA.

5. Special courts may be convened by "the commanding officer of a brigade, regiment, detached battalion, or corresponding unit of the Army" (Article 23(a)(3), UCMJ), while summary courts may be convened by "the commanding officer of a detached company or other detachment of the Army" (Article 24(a)(2), UCMJ). Per R.C.M. 504(b)(2), I determine whether a commander is "separate and detached" for purposes of Articles 23(a)(3) and 24(a)(2), UCMJ, when the unit commander is "isolated or removed from the disciplinary control of a superior in such a manner as to make its commander the person held by superior commanders primarily responsible for discipline." Where necessary, I have designated such units in this annex as SPCMCA's and SCMCA's.

6. SPCMCA's may realign company sized units between subordinate SCMCA's when required. Such realignments must be made in writing, with a copy furnished to the Chief, Military Justice.

7. Point of contact is LTC Tony Kim, Chief, Criminal Law Division, at (254) 287-3651.

1 Encl

  
JOHN UBERTI  
Major General, USA  
Commanding

**DISTRIBUTION:**

1. 1st Infantry Division, Fort Riley, Kansas
2. 1st Armored Division, Fort Bliss, Texas
3. 1st Cavalry Division, Fort Hood, Texas
4. 4th Infantry Division, Fort Carson, Colorado
5. 1st Medical Brigade
6. 11th Signal Brigade
7. 36th Engineer Brigade
8. 48th Chemical Brigade
9. HHBN, III Corps
10. 407th Army Field Support Brigade
11. 418th Contracting Brigade
12. 69th Air Defense Artillery Brigade
13. 85th Civil Affairs Brigade
14. 89th Military Police Brigade
15. 504th Battlefield Surveillance Brigade
16. United States Army Garrison Fort Hood

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SUBJECT: Designation and Alignment of Court-Martial Convening Authorities and Uniform Code of Military Justice (UCMJ) Command Authority for III Corps and Fort Hood General Court-Martial Jurisdiction Fort Hood, Texas 76544

17. Carl R. Darnall Army Medical Center

DISTRIBUTION: (CONT)

18. Fort Hood Non-commissioned Officer Academy

19. 13th Sustainment Command (Expeditionary)

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SUBJECT: Designation and Alignment of Court-Martial Convening Authorities and Uniform Code of Military Justice (UCMJ) Command Authority for III Corps and Fort Hood General Court-Martial Jurisdiction Fort Hood, Texas 76544

- a. SPCMCA: 1st Medical Brigade, Fort Hood Texas 76544 (WG4WAA)
  - Headquarters and Headquarters Company, 1st Medical Brigade (WG4WAA)
    - (1) SCMCA: 21st Combat Support Hospital (WBH7AA)
      - (a) A Company, 21st CSH (WBH7AO)
      - (b) B Company, 21st CSH (WBH7BO)
      - (c) Headquarters and Headquarters Detachment (WBH7TO)
      - (d) 126th Medical Detachment (FST) (WBQDAA)
      - (e) 43rd Medical Detachment (VS) (WBT2AA)
      - (f) 555th Forward Surgical Team (WC75AA)
      - (g) 502d Medical Company (WD1SAA)
      - (h) 499th Medical Detachment (H&N) (WFS0AA)
    - (2) SCMCA: 61st Multi-functional Medical Battalion (WBHNAA)
      - (a) Headquarters and Headquarters Detachment, 61st Multi-functional Medical Battalion (WBHNAA)
      - (b) 566th Area Support Medical Company (WBNLAA)
      - (c) 546th Area Support Medical Company (WBN7AA)
      - (d) 581st Area Support Medical Company (WBNLAA)
      - (e) 582d Medical Logistics Company (WBNQAA)
      - (f) 583d Medical Logistics Company (WBNRAA)
      - (g) 176th Medical Detachment Optometry (WD2AA)
      - (h) 224th Medical Detachment Preventive Medicine (WD6YAA)
      - (i) 554th Medical Detachment Optometry (WD98AA)
      - (j) 932d Medical Detachment Blood Support Detachment (9WFHPAA)
      - (k) 85th Combat Stress Control Detachment (WBP5AA)
- b. SPCMCA: 11th Signal Brigade, Fort Hood, Texas (WCDRAA)
  - (1) SCMCA: 57th Expeditionary Signal Battalion (WFM9AA)
    - (a) Headquarters and Headquarters Company (WFM9T0)
    - (b) A Company (WFM9A0)
    - (c) B Company (WFM9B0)
    - (d) C Company (WFM9C0)
    - (e) 16th Signal Company (TIN) (WG1KAA)
  - (2) SCMCA: 62d Expeditionary Signal Battalion (WCD1AA)
    - (a) Headquarters and Headquarters Company (WCD1T0)
    - (b) A Company (WCD1A0)
    - (c) B Company (WCD1B0)
    - (d) C Company (WCD1C0)
    - (e) Headquarter and Headquarter Company, 11th Signal Brigade (WCDRAA)
  - (3) SCMCA: 40th Expeditionary Signal Battalion (WCELAA)

AFZF-CG

SUBJECT: Designation and Alignment of Court-Martial Convening Authorities and Uniform Code of Military Justice (UCMJ) Command Authority for III Corps and Fort Hood General Court-Martial Jurisdiction Fort Hood, Texas 76544

- (a) Headquarters and Headquarters Company (WCELT0)
  - (b) A Company (WCELA0)
  - (c) B Company (WCELB0)
  - (d) C Company (WCELC0)
- c. SPCMCA: 36th Engineer Brigade, Fort Hood, Texas (WAZQAA)
- (1) SCMCA: 20th Engineer Battalion (WAZ2AA)
    - (a) Headquarters and Headquarters Company, 20th Engineer Battalion (WAZ2T0)
    - (b) Forward Support Company (WAZ2A0)
    - (c) 510th Clearance Company (WBCDAA)
    - (d) 87th Sapper Company (WFATAA)
    - (e) 937th Clearance Company (WBASAA)
    - (f) 59th Mobility Augmentation Company (WAR8AA)
  - (2) SCMCA: 62nd Engineer Battalion (WCWXAA)
    - (a) Headquarters and Headquarters Company, 62nd Engineer Battalion (WCWXT0)
    - (b) Forward Support Company (WCWXA0)
    - (c) 104th Engineer Company (WDXYAA)
    - (d) 68th Engineer Company (WBC4AA)
    - (e) 74th Multi Role Bridge Company (WBBUAA)
    - (f) 63rd Engineer Detachment (WHD5AA)
    - (g) 81st Engineer Detachment (WDADAA)
    - (h) 557th Engineer Detachment (WBERAA)
    - (i) Headquarters and Headquarters Company, 36th Engineer Brigade (WAZQAA)
- d. SPCMCA: 48th Chemical Brigade, Fort Hood, Texas (WJHGAA)
- (1) SCMCA: 2d Chemical Battalion
    - (a) Headquarters and Headquarters Detachment, 48th Chemical Brigade (WJHGAA)
    - (b) Headquarters and Headquarters Detachment, 2d Chemical Battalion (WAZGAA)
    - (c) 44th Chemical Company (WH7BAA)
    - (d) 181st Chemical Company (WA83AA)
  - (2) SCMCA: 79th Ordnance Battalion\* (WJWEAA)
    - (a) Headquarters and Headquarters Detachment, 79th Ordnance Battalion (WB0SAA)
    - (b) 47th Ordnance Company (WB6RAA)

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\* EOD BN – restriction on Art. 15's/ LOR within FORSCOM implementation guidance)

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- (c) 75th Ordnance Company (WB7JAA)
  - (d) 704th Ordnance Company (WB6KAA)
  - (e) 752d Ordnance Company (WB6WAA)
  - (f) 797th Ordnance Company (WB7WAA)
- e. SPCMCA: 85th Civil Affairs Brigade, Fort Hood, Texas (WJWEAA)
- (1) SCMCA: 81st Civil Affairs Battalion (WDCHAA)
    - (a) Headquarters and Headquarters Company, 85th Civil Affairs Brigade (WJWEAA)
    - (b) Headquarters and Headquarters Company, 81st Civil Affairs Battalion (WDCHT0)
      - (c) Alpha Company (WDCHA0)
      - (d) Bravo Company (WDCHB0)
      - (e) Charlie Company (WDCHC0)
      - (f) Delta Company (WDCHD0)
      - (g) Echo Company (WDCHE0)
- f. SPCMCA: 69th Air Defense Artillery Brigade, Fort Hood, Texas
- (1) SCMCA: 1st Battalion, 62d Air Defense Artillery Regiment
    - (a) A Battery (WAXCA0)
    - (b) B Battery (WAXCB0)
    - (c) C Battery (WAXCC0)
    - (d) D Battery (WAXCD0)
    - (e) E Company (WAXCE0)
    - (f) Headquarters and Headquarters Battery (WAXCT0)
  - (2) SCMCA: 1st Battalion, 44th Air Defense Artillery Regiment
    - (a) A Battery (WD21A0)
    - (b) B Battery (WD21B0)
    - (c) C Battery (WD21C0)
    - (d) D Battery (WD21D0)
    - (e) SVC Battery (WD21F0)
    - (f) Headquarters and Headquarters Battery (WD21T0)
  - (3) SCMCA: 4th Battalion, 5th Air Defense Artillery Regiment
    - (a) A Battery (WA1AA0)
    - (b) B Battery (WA1AB0)
    - (c) C Battery (WA1AC0)
    - (d) D Battery (WA1AD0)
    - (e) SVC Battery (WA1AE0)
    - (f) Headquarters and Headquarters Battery (WA1AT0)
- g. SPCMCA: 89th Military Police Brigade Fort Hood, Texas (WDFAAA)



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*-- Headquarters and Headquarters Company, 89th Military Police Brigade (WDFAAA)†*

- (1) SCMCA: 720th Military Police Battalion, 89th Military Police Brigade (WBXDAA)
  - (a) Headquarters and Headquarters Detachment, 720th Military Police Battalion (WBXDAA)
  - (b) 64th Military Police Company, 720th Military Police Battalion (WBXJAA)
  - (c) 178th Military Police Detachment, 720th Military Police Battalion (WFNXAA)
  - (d) 401st Military Police Company, 720th Military Police Battalion (WHL8AA)
  - (e) 410th Military Police Company, 720th Military Police Battalion (WHL9AA)
  - (f) 411th Military Police Company, 720th Military Police Battalion (WHMAAA)
  - (g) 226th Military Police Detachment, 720th Military Police Battalion (WCVLAA)

(2) SCMCA: 11th Military Police Battalion (CID) WBZHAA

h. SPCMCA: 504th Military Intelligence Brigade, Fort Hood, Texas (WHIYAA)

- (1) SCMCA: 163d Military Intelligence Battalion (WHJDAA)
  - (a) Headquarter and Headquarter Company, 163d Military Intelligence Battalion (WHJDAA)
  - (b) A Company (WHJDA0)
  - (c) B Company (WHJDB0)
  - (d) C Company (WHJDC0)
  - (e) Headquarter and Headquarter Company 504th Military Intelligence Brigade (WH1YAA)

(2) SCMCA: 303d Military Intelligence Battalion (WA76AA)

- (a) Headquarters and Headquarters Company, 303d Military Intelligence Battalion (WA76T0)
- (b) A Company (WA76A0)
- (c) C Company (WA76C0)

(3) SCMCA: 15th Military Intelligence Battalion (WDGWAA)

- (a) Headquarters and Headquarters Support Company, 15th MI Battalion (WDGWT0)
- (b) Alpha Company, 15th MI Battalion (WDGWA0)
- (c) Bravo Company, 15th MI Battalion (WDGWB0)

(4) SCMCA: 206th Military Intelligence Battalion (WJWYAA)

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† Organized directly under SPCMCA

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- (a) Headquarters and Headquarters Service, 206th MI Battalion (WJWYT0).
- (b) Alpha Company, 206th MI Battalion (WJWYA0)
  
- (5) SCMCA: 306th Military Intelligence Battalion (WJWZAA)
  - (a) Delta Company, 306th MI Battalion (WJWZTU)
  
- i. SPCMCA: 407th Army Field Support Brigade, Fort Hood, Texas (WJP4AA)
  - (1) SCMCA: AFSBn Fort Hood (W0DA71)
  
- j. SPCMCA: 418th Contracting Brigade, Fort Hood, Texas (WNGBAA)
  - (1) SCMCA: 901st Contracting Battalion (WJQ7AA)
    - (a) 612th Contingency Contracting Team (WJQMAA)
    - (b) 613th Contingency Contracting Team (WJQNAA)
  
- k. SPCMCA: USAG Fort Hood, Fort Hood, Texas  
-- *Headquarter and Headquarters Company USAG Fort Hood (W0VCAA)†*
  - (1) SCMCA: HHBn III Corps (WAT4AA)§
    - (a) Headquarter and Headquarters Support Company, HHBn III Corps (WAT4T0)
      - (b) A Company HHBn III Corps (WAT4A0)
      - (c) B Company HHBn III Corps (WAT4B0)
      - (d) C Company HHBn III Corps (WAT4C0)
      - (e) D Company HHBn III Corps (WAT4D0)\*\*
      - (f) Fort Hood Non-commissioned Officer Academy (W3Y9AA)
      - (g) 7th Public Affairs Detachment (Mobile) (WFNMAA)
      - (h) 14th Public Affairs Detachment (Mobile) (WDDMAA)
      - (i) 4th Public Affairs Detachment (Mobile) (WHLUAA)
      - (j) 13th Public Affairs Detachment (Mobile) (WC93AA)
      - (k) 11th Public Affairs Detachment (Mobile) (WFM7AA)
      - (l) 7-158th Aviation Battalion (OSACOM) (W3G204)
      - (m) 258th JAG Detachment (WJZVAA)††
      - (n) 269th JAG Detachment (WJZVAA)‡‡
      - (o) Resiliency Campus Element (WAT4Y1)
      - (p) OSACOM (W3G204)
      - (q) 7-158th AVN BN HQ (USAR/NAT GUARD) (WNH5AA)

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† Organized directly under SPCMCA

§ Per FH 27-10, HHBN III Corps is the residual SCMCA for any unit or soldier not otherwise assigned in the annex.

\*\* Rear Detachment from last deployment; currently not Soldiers assigned

†† Paralegal only

‡‡ Paralegal only

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- I. SPCMCA: Fort Hood Mobilization Brigade (W0VCAA)
  
- m. SPCMCA/SCMCA: Operational Test Command, Fort Hood, Texas (W469AA)
  - (1) Headquarters and Headquarters Company, Operational Test Command (W469AA)
  
- n. SPCMCA: 13th Sustainment Command (Expeditionary), Fort Hood, Texas (WFJ1Y9)
  - (1) SCMCA: 49th Transportation Battalion (WCJ7AA)
    - (a) Headquarters and Headquarters Company, 13th Sustainment Command (Expeditionary) (WFJ1Y9)
    - (b) Headquarters and Headquarters Detachment, 49th Transportation Battalion (WCJ7AA)
    - (c) 80th Transportation Detachment (WCQWAA)
    - (d) 151st Transportation Detachment (WCQ0AA)
    - (e) 259th Transportation Detachment (WATVAA)
    - (f) 571st Transportation Detachment (WCQUAA)
  
  - (2) SCMCA: 61st Quartermaster Battalion (WCA490)
    - (a) Headquarters and Headquarters Detachment, 61st Quartermaster Battalion, (WCA4AA)
    - (b) 53d Quartermaster Company (WDJAAA)
    - (c) 418th Transportation Company (WEZ5AA)
    - (d) 297th Transportation Company (WFQ4AA)
  
- o. SPCMCA: Carl R. Darnall Army Medical Center, Fort Hood, Texas (W2M5AA)
  - (1) SCMCA: Troop Command
    - (a) A Company (W2M507)
    - (b) B Company (W2M508)
  
  - (2) SCMCA: Warrior Transition Unit
    - (a) HQ's WTU (W2M530)
    - (b) HHC Intake (W2M541)
    - (c) A Company (W2M531)
    - (d) B Company (W2M533)
    - (e) Community Care Unit (CCU) (W2M5A0)
  
  - (3) SCMCA: DENTAC (W3ZT70)
  
  - (4) SCMCA: Public Health Command District (PHCD/Veterinary) (W03HCK)
  
  - (5) SCMCA: 7232<sup>nd</sup> Medical Support Unit (W8EXAA)