

Headquarters  
Fort Knox  
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\*Fort Knox Supplement  
to Army Regulation 27-10

## Legal Services

### MILITARY JUSTICE

**Summary.** This regulation prescribes policies and procedures governing the administration of military justice for all units and personnel assigned, attached, or otherwise within the confines of Fort Knox. The policies and limitations set forth herein are for local application only and are not intended to be procedural prerequisites in cases involving non-judicial punishment or trial by court-martial. Nothing in this regulation creates additional rights for any Soldier facing adverse action.

**Applicability.** This regulation applies to all units, organizations, personnel assigned or attached to, or otherwise falling under the Senior Commander of Fort Knox for Uniform Code of Military Justice (UCMJ) jurisdiction and/or adverse administrative actions.

**Supplementation.** Organizations will not supplement this regulation without prior approval by the Staff Judge Advocate of the Senior Commander of Fort Knox. Subordinate units retain the authority to draft their own military justice policies. In the event of a conflict between those policies and this supplement as it relates to UCMJ or other adverse action occurring at Fort Knox, this regulation controls.

**Proponent and Exception Authority.** The proponent for this supplement is the Staff Judge Advocate of the Senior Commander of Fort Knox.

**Suggested improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) through command or technical channels to the Combined Military Justice Office, 50 Third Avenue, Suite 208, Fort Knox, Kentucky 40121.

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## **Chapter 1**

### **Introduction**

#### **1-1. Purpose.**

This supplement implements the Manual for Courts-Martial, 2019 Edition (MCM) and Army Regulation (AR) 27-10, Military Justice, dated 20 November 2020, and prescribes policies and procedures pertaining to the administration of military justice at Fort Knox.

#### **1-2. Responsibilities.**

a. The Staff Judge Advocate (SJA) to the Senior Commander of Fort Knox is responsible for overall supervision and administration of military justice specifically within his or her command and generally at Fort Knox. Additionally, the SJAs of all other General Court-Martial Convening Authorities (GMCAs) are responsible for the supervision and administration of military justice within their own commands. Each SJA will manage the judge advocates, legal administrators, court reporters, paralegal noncommissioned officers (NCOs), and paralegal specialists assigned or attached to their commands. The term SJA, as used in this supplement, refers to a position specifically selected and recommended for assignment by the Judge Advocate General of the US Army, pursuant to 10 U.S.C. §§ 806 and 7037.

b. The SJAs from United States Army Cadet Command (USACC), United States Army Recruiting Command (USAREC) and 1st Theater Command (1TSC) will provide support to the Combined Military Justice Office (CMJO). The form of this support will be delineated in a separate memorandum of understanding executed by these SJAs. As used in this supplement, unless noted otherwise, the term "CoJ" references the Chief of Justice for the CMJO. Because of the consolidation of major military justice operations across these three GMCAs, many of the specific provisions of this supplement will apply only to cases arising under those GMCAs.

c. Judge advocates, legal administrators, court reporters, paralegal NCOs, and paralegal specialists assigned or attached to any unit at Fort Knox will not be assigned regular duties inconsistent with their MOS when such duties will delay the processing of legal actions or have the possibility to create a potential conflict of interest. Such duties include assignment to long-term details that delay processing legal actions. Additionally, the judge advocates, legal administrators, court reporters, paralegal NCOs, and paralegal specialists assigned or attached to any unit at Fort Knox are exempt from all unit detail rosters because of the probable conflicts of interest such details could create with their legal duties. Any exception to this prohibition must be approved by the SJA of the relevant command. All requests for an exception to this policy should be directed through the relevant DSJA to the appropriate SJA.

d. Notwithstanding the responsibilities outlined in paragraph 1-2a, the CoJ, is responsible for the supervision of trial counsel and military justice advisors; assignment of individual cases; processing of courts-martial for USACC, USAREC, Fort Knox, and those cases from 1TSC that arise at or are transferred to Fort Knox; administrative

separation boards and boards of inquiry within USACC; and general administration of military justice for those actions that fall under the jurisdiction of Fort Knox.

e. The Senior Defense Counsel (SDC), Fort Knox Field Office, United States Army Trial Defense Service, is responsible for the delivery of defense services and the detail and supervision of defense counsel in support of units in the SDC's area of responsibility.

### **1-3. Policy.**

a. The maintenance of good order and discipline is a command responsibility. While the military justice system can assist a commander in maintaining good order and discipline, effective leadership that fosters high morale and instills a sense of responsibility remains the best way to avoid disciplinary problems. Commanders and supervisors who recognize and respond to their Soldiers' problems and honest grievances typically have less need to resort to the military justice system.

b. Reports of misconduct will be promptly investigated. If disciplinary action is deemed appropriate following completion of the investigation or inquiry, the commander may choose from a variety of administrative and punitive options. Any action taken should be prompt and commensurate with the seriousness of the offense and the service record of the alleged offender.

c. Non-punitive, administrative sanctions are ordinarily the most effective means of dealing with minor disciplinary/criminal infractions. While a detailed discussion of these sanctions is beyond the scope of this supplement, trial counsel and military justice advisors from the CMJO are available to furnish advice in this area.

d. Procedures for non-judicial punishment (NJP) and courts-martial are set forth in the MCM, AR 27-10, and this supplement. Commanders will carefully adhere to these procedures in the evaluation and execution of these all military justice actions.

e. Unlawful command influence corrupts the military judicial process and is expressly prohibited by Article 37, UCMJ. At every level of command, a commander's action on NJP or recommendation regarding court-martial charges must represent the commander's own independent judgment based on the seriousness of the allegation, the evidence presented, and the service record of the accused Soldier, subject to the rules and limitations of AR 27-10, paragraph 3-19. Senior commanders will not take any action, directly or indirectly, that attempts or could reasonably be perceived as an attempt to influence a subordinate commander's opinion regarding a military justice matter, nor will anyone in the chain of command attempt to influence the testimony of a potential witness in any proceeding. Furthermore, commanders must not predetermine punishments prior to adjudicating each individual case. This includes creating memoranda listing punishment levels for specific UCMJ violations.

### **1-4. Court-Martial Convening Authorities.**

a. GCMCAs. The Commanders of Fort Knox, V Corps, USACC, USAREC, and

1TSC are all designated as GCMCAs per Army General Order 2022-25; Article 22(a)(5), UCMJ; Army General Order 2022-25; Army General Order 1994-18; and Army General Order 2010-10, respectively. The commanders of V Corps, USACC, USAREC, and 1TSC will exercise UCMJ and adverse administrative action authority over all units, organizations, and personnel assigned or attached to their commands. Additionally, units within each command that, through agreement or understanding, assume an authority within the jurisdiction of another command shall fulfill their responsibilities in accordance with applicable agreements (e.g., 4th Cavalry Brigade has agreed to act as the SPCMCA for 1TSC's Special Troops Battalion). The Senior Commander of Fort Knox, as the GCMCA for Fort Knox, shall also retain concurrent GCMCA jurisdiction for all Soldiers who commit misconduct within the boundaries of Fort Knox, regardless of their parent GCMCA, to include those units that have GCMCAs that are not located at Fort Knox (e.g. 19th Engineer Battalion).

b. Jurisdictional Alignments. The GCMCAs for V Corps, USACC, USAREC and 1TSC shall be responsible for the jurisdictional alignments of all their organic units. Non-GCMCA tenant units that are not organic to any of the previously listed GCMCAs (e.g., Human Resources Command, 19th Engineer Battalion, Fort Knox Garrison, etc.) will continue to be aligned under USACC's GCMCA as shown in Appendix B for all GCMCA purposes. All matters requiring GCMCA authority over reserve component units as part of Fort Knox's military justice area support responsibilities as delineated in Appendix K of AR 27-10 shall be the responsibility of USACC's GCMCA. Any Fort Knox tenant unit not listed in one of the jurisdictional alignments shall fall under the following jurisdiction:

(1) Commander, USACC: GCMCA

(2) Commander, Fort Knox Garrison: SPCMCA

#### **1-5. Supporting Counsel.**

Support for military justice actions being processed at Fort Knox will be assigned by the CoJs of the CMJO and V Corps as appropriate and will be based on the type of misconduct involved.

#### **1-6. Disposition of Senior Leader Misconduct and Notification Requirements.**

a. Authority to dispose of UCMJ offenses allegedly committed by Senior Leaders assigned to or physically located on Fort Knox is withheld to the GCMCA to which the Soldier is assigned or attached or to the Senior Commander of Fort Knox. Senior Leaders, for purposes of this paragraph include non-commissioned officers in the grade of E-8 or E-9, warrant officers, and commissioned officers. Additionally, any GCMCA may delegate this authority to any general officer within his or her command. This authority does not relieve commanders of the obligation to comply with the notification requirements below in Paragraph 1-6(b) and shall not be interpreted as superseding the withholding of authority detailed in Paragraph 2-1, Limitations on NJP Authority.

b. All alleged misconduct by Senior Leaders assigned to or physically located on Fort Knox, defined as a credible allegation that an offense punishable under the UCMJ was committed by a Senior Leader, shall be reported to the Senior Commander of Fort Knox and the Senior Commander's SJA within 48 hours of the incident or allegation being discovered. This notification may be through email and should include all significant information then known about the Senior Leader and the alleged misconduct. The requirement to notify the Senior Commander and the Senior Commander's SJA, includes misconduct committed by Senior Leaders in all tenant units on Fort Knox. This report does not affect jurisdiction or any additional requirements to transmit an operations report or serious incident report regarding such misconduct to another higher headquarters.

### **1-7. Military Justice and Law of War Instruction.**

Unless otherwise directed by appropriate training guidance from TRADOC or another superior command, commanders and supervisors will not conduct instruction on military justice or law of war matters. Commanders or supervisors desiring to schedule military justice or law of war instruction should contact their supporting legal advisor who will either conduct the training or identify judge advocate to do so.

## **Chapter 2**

### **Nonjudicial Punishment**

#### **2-1. Limitation of NJP Authority - Traffic Offenses**

a. Traffic Offenses. Except in specific cases approved by the Garrison Commander, Fort Knox, authority to impose NJP or initiate UCMJ charges for minor traffic offenses or certain "aggravated" traffic offenses occurring on Fort Knox is withheld from all commanders who are not GCMCAs. These traffic offenses will be processed on DD Form 1805 (Violation Notice) and handled by the U.S. District Court at Fort Knox (Magistrate Court) (see chapter 5 for further detailed information).

b. The certain "aggravated" traffic offense that will be handled by the Magistrate court include the following:

- (1) Driving under the influence (DUI) of alcohol or drugs;
- (2) Driving with revoked or suspended post driving privileges;
- (3) Offenses committed under circumstances amounting to reckless driving committed in a civilian vehicle; and
- (4) Driving without a license, registration, or insurance.

c. Requests for exception. Written requests for exception to the withhold of jurisdiction mentioned above (paragraphs 2-1a or 2-1b) shall be made through the chain of command to the Garrison Commander, Fort Knox, after first coordinating with the CoJ of the CMJO or V Corps as appropriate.

d. Other “aggravated” traffic offenses. Other “aggravated” traffic offenses, such as those listed below, will ordinarily be adjudicated under the UCMJ by NJP or court-martial:

(1) Cases involving multiple offenses in which a traffic offense is incidental to certain non-traffic offenses, which are otherwise not appropriate for disposition in Magistrate Court. Commanders must seek trial counsel or military justice advisor advice prior to proceeding with UCMJ action.

(2) Offenses involving the misuse of a government vehicle.

e. Trial of an offense in U.S. District Court precludes UCMJ punishment (NJP or court-martial) for the same act. It does not, however, prevent a commander from responding to the same act with an administrative action (e.g., a memorandum of reprimand or an administrative separation).

(1) Reprimand. Upon the arrest or citation of a Soldier for a DUI or analogous offense, the Soldier’s chain of command shall provide all supporting documentation to their servicing legal advisor for the initiation of a General Officer Memorandum of Reprimand (GOMOR) in accordance with ARs 190-5 and 600-37. The Soldier’s unit will have the responsibilities of serving the Soldier with and receiving acknowledgment of the GOMOR and its associated filing determination.

(2) Administrative Reduction. An enlisted Soldier convicted of a DUI offense, or any other civil crime, may be administratively reduced in grade. Commanders will adhere to AR 600-8-19 and consider grade reduction when a Soldier is convicted of a qualifying offense.

## **2-2. Correctional Custody.**

At this time, Fort Knox does not have an approved correctional custody facility. Accordingly, commanders may not adjudge correctional custody as a punishment under Article 15, UCMJ.

## **2-3. Judge Advocate Review of Article 15 Appeals.**

a. Appeals which require review by a judge advocate under the provisions of AR 27-10, prior to the appellate authority’s action, must be forwarded to the supporting trial counsel or military justice advisor for consideration and advice. All supporting evidence/documents, along with the Soldier’s written appeal, must be included. The trial counsel will annotate in Block 7, DA Form 2627, his or her legal conclusions on the appeal. In all cases where the Commander of USACC, USAREC, or 1TSC, is the appellate authority, the case will be referred to the appropriate SJA for consideration and advice, and the SJA or their delegate will annotate Block 7.

b. When the accused or defense counsel submits matters for consideration by the appellate authority, regarding the merits or appropriateness of the punishment, the

imposing commander may submit a comment on any point raised in the accused's appeal. In all cases where the Commander of USACC, USAREC, or 1TSC is the appellate authority, the imposing commander will provide a comment regarding the appeal.

### **Chapter 3 Civilian Confinement**

#### **3-1. General.**

It is the policy of all commands to ensure proper accountability of Soldiers and to support their welfare while they are in civilian confinement. Unless significant mission requirements prevent it, a member of the command team should make contact with any Soldier in confinement at least once a week.

#### **3-2. Responsibilities.**

a. Commanders will immediately report the confinement of members of their commands by civilian authorities to the CMJO or the V Corps CoJ through their servicing trial counsel or military justice advisor. This report may be made by forwarding an internal SIR or CCIR. This report will, at a minimum, include the Soldier's unit, place of confinement, charge(s) on which the Soldier is being held, and status of the case. Thereafter, a follow-up report will be submitted every 30 days (or upon change in status of the case) until the Soldier is released, acquitted, or sentenced.

b. Following any civil conviction, whether or not it results in confinement, the responsible commander will consult supporting trial counsel or military justice advisor to determine what action, if any, to take based on the conviction. In cases where a Soldier has been convicted of a civil offense that results in a sentence of more than 120 days of confinement, the unit will consider having the Soldier assigned to the Personnel Control Facility, which has the mission of managing Soldiers who have been confined by civilian authorities as a result of a criminal conviction.

### **Chapter 4 Courts-Martial**

#### **4-1. Pretrial Confinement.**

##### **a. General.**

(1) An accused pending charges should ordinarily continue to perform normal duties commensurate with their grade and experience within the accused's organization while awaiting trial. If a commander is contemplating placing a Soldier in pretrial confinement (PTC), he or she must consider the facts and standards set forth in Rule for Court-Martial (RCM) 305(h)(2)(B) and consult with their servicing trial counsel or military justice advisor. Commanders shall notify the CMJO or V Corps' CoJ as appropriate through their servicing judge advocate if considering ordering a Soldier into



PTC.

(2) **Commander's Responsibilities.** The unit commander maintains responsibility for the health and welfare of military personnel, even while in pretrial confinement. Commanders shall, at a minimum, coordinate with the pretrial confinement facility to call or visit Soldiers in pretrial confinement at least once a week. The purpose of this visit or contact will be to ensure the health and welfare of the Soldier, not to discuss the Soldier's misconduct or military justice proceedings.

b. PTC Procedure.

(1) The commander ordering pretrial confinement IAW RCM 305 must inform the trial counsel or military justice advisor of the alleged offenses and complete a DA Form 5112-R, Checklist for Pretrial Confinement, including the following information:

(A) The specific offenses committed by the accused;

(B) Why confinement is necessary to ensure the accused's presence at trial or other proceedings;

(C) How confinement will prevent foreseeable serious misconduct by the accused; and

(D) Why less severe forms of restraint are not sufficient.

(2) At the time of initial PTC, the commander ordering PTC will comply with AR 190-47, and give the corrections facility commander, the military magistrate, and the defense counsel the following:

(A) Completed DA Form 5112-R;

(B) Two completed copies of DD Form 2707 (indicate name, grade, and position of the person approving the PTC as well as the name and grade of the SJA notified);

(C) All statements of witnesses and military police, CID reports, or other evidence establishing probable cause that the accused committed an offense triable by court-martial and that confinement is required by the circumstances;

(D) A copy of DD Form 458, if already prepared; and

(E) Proper clothing and equipment for the accused and a completed personal-property inventory signed by the accused and his or her commander as required by AR 190-47.

(3) When any Soldier assigned within one of the CMJO's GCMCA jurisdictions is placed into PTC while CONUS, the CoJ will promptly notify the Fort Knox SDC and coordinate to provide the confined Soldier with representation.

c. The imposition of PTC, as well as certain lesser forms of pretrial restraint, requires the government to bring an accused Soldier to trial within a set time period, as prescribed by the speedy trial rules of RCM 707 (see also, RCM 304(a)). The time frame may vary depending upon the triggering event.

d. Because some forms of pretrial restraint trigger the speedy trial provisions, commanders will not impose any form of pretrial restraint without making prior coordination with their supporting judge advocate. All pretrial restraint imposed by a commander should be done in writing. When it is not possible for a commander to immediately reduce the parameters of restraint to writing due to exceptional circumstances, the commander shall create a memorandum for record detailing the form of restraint and the reason for delay in issuing the directive as soon as possible. Common forms of pretrial restraint that require coordination with a supporting trial counsel include conditions on liberty, restriction in lieu of arrest, arrest, and pre-trial confinement as defined in RCM 304.

#### **4-2. Processing Court-Martial Charges.**

An accuser will coordinate potential court-martial charges with the supporting trial counsel prior to the drafting of and referral of charges. Commanders and other leaders are strictly prohibited from preferring charges at Fort Knox without the prior approval of an SJA, the CoJ of the CMJO or the CoJ of V Corps. For cases from reserve commands that fall under Fort Knox for area jurisdiction, the CMJO specifically reserves the right to refuse to support court-martial proceedings in cases where prior coordination has not been made with the CoJ before the referral of charges.

#### **4-3. Preliminary Hearings.**

a. If a referral to a general court-martial is contemplated, a preliminary hearing pursuant to Article 32, UCMJ and RCM 405 will be conducted prior to forwarding a case to a GCMCA. Generally, the SPCMCA will order the preliminary hearing and appoint a preliminary hearing officer (PHO), who has not been previously exposed to the facts of the case. For cases involving Soldiers at Fort Knox, with the exception of V Corps Soldiers, the PHO will be provided using a DA 6 Duty Roster maintained by the CoJ. The CoJ will solicit potential PHOs from SJAs at Fort Knox as needed to ensure preliminary hearings are conducted quickly and efficiently. The CoJ is reserved the right to skip certain potential PHOs on the DA 6 when the complexity or difficulty of a case requires a different PHO, but this fact will, in all cases, be disclosed to defense counsel before the preliminary hearing.

b. To facilitate timely processing of each case, all PHOs at Fort Knox will be relieved of all other duties that would otherwise interfere with conducting the hearing. The CMJO will provide all administrative support necessary to complete the hearing without undue delay for cases arising out of USACC, USAREC, 1TSC or Fort Knox Headquarters.

c. Conduct of the Preliminary Hearing. The hearing will be conducted IAW Article

32, UCMJ; RCM 405; and DA Pam 27-17. The PHO will not ordinarily be provided a legal advisor; however, one shall be provided upon request. In all cases, the PHO will include a brief chronology of the hearing in item 21, DD Form 457, to include an explanation of any periods of delay. Each period of delay shall be documented in writing, including in emails among the parties, and will be attributable to either the government or the defense.

d. When a PHO determines a civilian witness is necessary to the limited scope and purpose of the preliminary hearing and is reasonably available, the PHO will submit a request for payment of transportation expenses and allowances to the CoJ of the CMJO or CoJ of V Corps as appropriate. Pursuant to AR 27-10, paragraph 5-25, the authority to determine the means by which a witness testifies and, when appropriate, to approve the payment of transportation expenses and allowances for civilian witnesses at Article 32 preliminary hearings is delegated to the appropriate SJA for the unit of the convening authority who appointed the preliminary hearing. The Commanders of V Corps, USACC, USAREC, 1TSC, and Fort Knox retain authority to disapprove such payments.

#### **4-4. Court Reporters.**

a. The Senior Court Reporter at the CMJO will assign court reporters to all referred cases outside the jurisdiction of V Corps. The CoJ reserves the right to designate any court reporter as the Senior Court Reporter, regardless of rank or time in grade.

b. Any request for a court reporter to prepare a verbatim transcript of the testimony of a witness at an Article 32 preliminary hearing or other proceeding will be forwarded to the CoJ for approval or disapproval based on current staffing.

#### **4-5. Witness Attendance.**

a. Subpoenas, invitational travel orders, payment vouchers, travel arrangements, and anything else necessary for witness attendance at a court-martial hearing originating from USACC, USAREC, 1TSC, and Fort Knox will be processed by the CMJO, with the support of the appropriate legal administrator.

b. Unit commanders will release military witnesses, as well as any Soldiers identified as bailiffs or escorts (see paragraph 4-6b) from all other military duties and will provide adequate transportation where necessary for attendance at trial. Unit commanders will ensure that all designated witnesses under their command appear to testify in a serviceable and approved service uniform.

c. Commanders will not issue passes, ordinary leave, or temporary duty (TDY) orders to potential court-martial witnesses, defendants scheduled to appear in U.S. District Court, or accused Soldiers without prior coordination with the supporting trial counsel or military justice advisor. Whenever practical, emergency leave should not be granted to these individuals without first coordinating with the supporting trial counsel or military justice advisor.

d. If the permanent change of station or extended TDY of a witness appears likely before trial, the unit commander shall notify the CoJ of the CMJO or the CoJ of V Corps through their servicing trial counsel or military justice advisor. If it appears that a military witness will terminate active service before trial (e.g., retirement, ETS, demobilization, etc.) the witness's commander will immediately notify the appropriate CoJ through their servicing trial counsel or military justice advisor.

#### **4-6. Accused Attendance.**

a. It is the responsibility of the appropriate unit commander to ensure the accused is present for consultation with defense counsel and for all court-martial proceedings including arraignment, Article 39a sessions, and trial. The unit commander of an accused in PTC will provide guards and transportation to escort the accused from the place of confinement to all court-martial proceedings. The unit commander will also ensure, in all cases, that the accused has a clean and well-fitting Army Service Uniform or Army Green Service Uniform with the appropriate awards and decorations for all such proceedings, unless otherwise excused from the responsibility by order of the military judge.

b. The unit commander will provide two escorts to accompany an accused during trial who will be the same rank or senior to the accused and no less than the grade of E-5. Escorts will wear their normal duty uniform. The unit commander will also provide a bailiff who will be in a uniform designated by the military judge for all court-martial proceedings. If the court-martial involves a panel, the unit commander will provide two bailiffs. The Soldiers assigned escort and bailiff duty will report to the CMJO for the briefing required by the Rules of Practice Before Army Courts-Martial no later than one week prior to trial.

c. When an accused is adjudged confinement, the escorts will not allow the prisoner out of sight and will maintain custody until the prisoner is delivered to the appropriate confinement authority, unless an exception is granted by a judge advocate, to include the prisoner's military defense counsel.

#### **4-7. Witness Transportation.**

a. The accused's unit is responsible for adequate transportation for witnesses during court-martial proceedings, to include providing a sufficient number of rental cars to witnesses traveling from outside the Fort Knox area.

b. When a unit chooses to provide transportation using government-owned vehicles and assigned drivers, a representative from the CMJO will notify the responsible unit of all pertinent scheduling information at least two weeks prior to any proceeding or whenever known. This scheduling information will also include when witnesses need to be available before trial to meet with trial and defense counsel. Units will provide the CMJO with the names and contact information of any Soldiers identified as drivers. These drivers will receive a mandatory brief no later than one week prior to trial from a CMJO representative. Drivers will be responsible for the following:

- (1) Transporting witnesses to and from the airport before and after trial;
- (2) Transporting witnesses to and from lodging to location of trial each day; and
- (3) Transporting witnesses to and from the DFAC or other designated locations for meals and the purchase of any necessary incidentals.

#### **4-8. Combined Fort Knox Panel**

a. **Nomination for Panel Members.** NLT 1 August every year, the Senior Command will publish an OPORD requesting from all Fort Knox GCMCAs an alpha roster of all personnel physically present at Fort Knox as well as nominations from that population. The nominations will be made by the senior commander for each unit and the number of nominations in each grade will be determined by the SJA for the Senior Commander of Fort Knox, in consultation with the SJAs of each responding unit. The nominees will be selected according to the criteria in Article 25(e)(2), UCMJ, and screened for availability, meaning that the nominees will not be a known loss or in a duty that requires them to spend a significant amount of time away from Fort Knox. Each unit will provide a current Soldier Record Brief for all Soldiers nominated. The Senior Commander of Fort Knox retains the authority to excuse any unit of these requirements based on operational or other prudential considerations.

b. **Panel Selection.** The alpha rosters and nominations submitted by tenant units will then be used by the Senior Commander of Fort Knox to select four panels consisting of two special court-martial panels and two general court-martial panels. The panel selection advice will be drafted in consultation with the SJAs of each responding unit, but the final version will be approved and signed by the Senior Commander's SJA. The CoJ will publish appropriate court-martial convening orders based on the selections made by the Senior Commander.

c. **Court-Martial Availability.** The GCMCAs of USACC, USAREC, 1TSC, and Fort Knox may adopt the aforementioned court-martial convening orders and use the courts-martial convened by them to convene courts-martial at Fort Knox, provided those GCMCAs find the selected panel members are the best qualified under Article 25(e)(2), UCMJ. These GCMCAs specifically retain all of their powers as convening authorities when adopting and convening courts-martial under these court-martial convening orders. This includes, but is not limited to, the power to excuse members as they deem necessary or to supplement the existing courts-martial with additional panel members.

d. **Reservation of Rights.** Nothing in this paragraph prevents any of the aforementioned GCMCAs from selecting their own panels and publishing their own court-martial convening orders as they see fit.

### **Chapter 5**

#### **U.S. District Court at Fort Knox (Magistrate Court).**

##### **5-1. General**

a. The U.S. District Court, Western District of Kentucky at Fort Knox, is designated to dispose of offenses which are charged by the issuance of a violation notice (DA Form 1805), by the filing of an information, or a federal criminal complaint by the United States Attorney.

b. Trial counsel and other available attorneys will be detailed to act as Special Assistant United States Attorneys after recommendation by the CoJ, nomination by the SJA for the Senior Commander of Fort Knox, and approval and swearing in by the United States Attorney's Office. This is a collateral duty and no military attorney will be detailed solely for this duty.

c. If a defendant is unable to appear in U.S. District Court due to some compelling reason (e.g., emergency leave, civilian confinement, etc.), the defendant, or the defense attorney if one has been retained, must contact the Court Clerk prior to the scheduled court date to formally request a delay. The Court Clerk will assist the defendant in preparing a written request to the clerk of the U.S. District Court, Western District of Kentucky, asking that the court date be rescheduled. The Court Clerk will submit the request and notify the defendant of the new court date.

d. To ensure that Soldiers comply with court appearance notices they receive by mail, the Court Clerk at Fort Knox will provide copies of upcoming court dockets to each responsible unit's commander. Commanders will ensure their Soldiers comply with court notices. Soldier-defendants should be flagged for law enforcement investigations pending disposition of their case and they should not be placed on ordinary leave, TDY, or other duties that would interfere with their court date.

e. United States Marshals are authorized to execute warrants for the arrest of individuals who fail to appear in U.S. District Court. Commanders, when presented with a warrant for a Soldier, will ensure the Soldier is delivered into custody of the arresting officer. Military duties will not interfere with the execution of a federal warrant.

f. Commanders having administrative control over Reserve Soldiers who are prosecuted in U.S. District Court for offenses other than minor traffic offenses will notify the individual's USAR unit of the offense charged and the scheduled court appearance date.

g. A Soldier who fails to appear in U.S. District Court when lawfully ordered to do so may be punished by UCMJ or administrative action for that offense, regardless of the outcome of their U.S. District Court case, so long as the SAUSA does not intend to pursue an action for failure to appear.

## **Chapter 6**

### **Victim/Witness Assistance Program**

#### **6-1. General.**

a. The Fort Knox Victim/Witness Assistance Program designates responsibility and guidance for the treatment of persons who are victims of offenses under the UCMJ and

persons requested as witnesses in proceedings conducted pursuant to the UCMJ.

b. All persons working with, and in support of, the military justice system must ensure victims of, and witnesses to, crimes under the UCMJ are treated with dignity and respect. Interference with personal privacy and property rights will be kept to an absolute minimum. Special consideration should be given when the victim is a child, or when the case involves domestic abuse or sexual misconduct.

c. The objectives of the Victim/Witness Assistance Program are to mitigate the physical, psychological, and financial hardships suffered by victims and witnesses of offenses investigated by Department of the Army authorities, to foster the full cooperation of victims and witnesses within the military criminal justice system, and to ensure victims and witnesses are advised of and accorded rights under Article 6b, UCMJ, and AR 27-10, Chapter 17, subject to available resources.

## **6-2. Victim/Witness Liaison and Special Victim/Witness Liaison.**

a. The Victim/Witness Liaison (VWL) and Special Victim Liaison (SVL) for Fort Knox are located within the CMJO. The duties of the VWL will be a collateral duty of the civilian post-trial paralegal. SVL duties will be performed by the full-time civilian paralegal within the Special Victim Prosecutor team, as detailed by US Army Legal Services Agency or the Office of the Special Trial Counsel. The VWL is the primary point of contact for victims and witnesses of general crimes and the SVL is the primary point of contact for special victims and witnesses of special crimes. Victims and witnesses may obtain information regarding possible services and the status of a pending case the appropriate liaison.

b. Military law enforcement and investigative personnel will promptly inform all victims about the Victim/Witness Assistance Program and provide assistance in contacting the SVL or VWL as appropriate.

## **6-3. Victim Services.**

a. At the earliest opportunity after the detection of a crime, but no later than the appointment of an Article 32 preliminary hearing officer or referral of charges to court-martial, the SVL or VWL will provide a Victim Information Packet to all known victims.

b. The VWL will assist victims in obtaining financial, legal, and other social services, as appropriate, by providing the victims with information concerning the sources of such services and, if necessary, by arranging for appointments with relevant service agencies.

c. Any individual eligible for military legal assistance under 10 U.S.C § 1044 or Army Regulation 27-3 who alleges they are the victim of sexual assault or domestic violence may be eligible for Special Victim Counsel (SVC) representation subject to resource limitations and Legal Assistance Policy Division and SVC Program rules. Eligibility will not be based on whether the report of the offence is restricted or unrestricted. Request for exception to this policy will be routed through the Fort Knox Legal Assistance Office

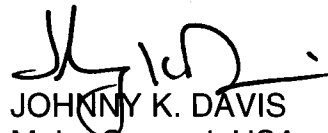
to the exception authority.

#### **6-4. Consultation with Victims.**

a. As appropriate, trial counsel, special victim prosecutor, VWL, SVL or commanders of Soldiers suspected of crimes shall consult with victims of serious offenses concerning the following:

- (1) Decisions not to prefer charges;
- (2) Decisions concerning pretrial restraint or release from pretrial confinement of the alleged offender;
- (3) Dismissal of court-martial charges; and/or
- (4) Negotiation of pretrial agreements and their potential terms.

b. Consultation may be postponed or limited when justified by circumstances. Nothing in this chapter limits the responsibility and authority of commanders to take such action they deem appropriate for the administration of justice.

  
JOHNNY K. DAVIS  
Major General, USA  
Commanding



## **Appendix A – References**

1. Manual for Courts-Martial (2019 ed)
2. AR 600-8-2, Suspension of Favorable Personnel Actions (Flag) (05 April 2021)
3. AR 15-6, Procedures for Investigating Officers and Boards of Officers (1 April 2016)
4. AR 600-37, Unfavorable Information (02 October 2020)
5. AR 27-10, Military Justice (20 November 2020)
6. AR 600-20, Army Command Policy (24 July 2020)
7. AR 27-1, Judge Advocate Legal Services (24 January 2017)
8. AR 195-2, Criminal Investigation Activities (21 July 2020)
9. AR 190-30, Military Police Investigations (1 November 2005)
10. Secretary of Defense Policy Memorandum, Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases (20 April 2012)
11. TJAG Policy Memorandum 22-01, Professional Responsibility (1 March 2022)
12. TJAG Policy Memorandum 22-03, Use of Technical Channel of Communications (1 March 2022)
13. TJAG Policy Memorandum 19-01, Military Justice Redesign (18 July 2019)
14. Army Trial Judiciary Rules of Practice before Courts-Martial (1 February 2022)
15. Fort Knox Regulation 190-5, Fort Knox Motor Vehicle Traffic Supervision (30 May 2015)

## **Appendix B – USACC Jurisdiction**

Court-Martial Convening Authorities: The commanders of the units and organizations listed below are special courts-martial convening authorities and subordinate summary courts-martial authorities as listed.

- (1) 1st Brigade, U.S. Army Cadet Command (UCMJ, Art 23(a)(3))
- (2) 2d Brigade, U.S. Army Cadet Command (UCMJ, Art 23(a)(3))
- (3) 3d Brigade, U.S. Army Cadet Command (UCMJ, Art 23(a)(3))
- (4) 4th Brigade, U.S. Army Cadet Command (UCMJ, Art 23(a)(3))
- (5) 5th Brigade, U.S. Army Cadet Command (UCMJ, Art 23(a)(3))
- (6) 6th Brigade, U.S. Army Cadet Command (UCMJ, Art 23(a)(3))
- (7) 7th Brigade, U.S. Army Cadet Command (UCMJ, Art 23(a)(3))
- (8) 8th Brigade, U.S. Army Cadet Command (UCMJ, Art 23(a)(3))
- (9) U.S. Army Human Resources Command (UCMJ, Art 23(a)(3))
- (10) U.S. Army Garrison Command, Fort Knox (USAGC-FKKY) (UCMJ, Art 23(a)(2))
  - (a) Commander, 19th Engineer Battalion: SCMCA
- (11) Human Resources Command (UCMJ, Art 23(a)(2))
- (12) First Army Division East (PO 293-15)
- (13) 4th Cavalry Brigade (PO 334-18)
  - (a) 1st Battalion, 409th Regiment: SCMCA
  - (b) 1st Battalion, 410th Regiment: SCMCA
  - (c) 3rd Battalion, 409th Regiment: SCMCA
  - (d) 4th Battalion, 409th Regiment: SCMCA
  - (e) 4th Battalion, 410th Regiment: SCMCA
- (14) 157th Infantry Brigade (PO 334-19)

(15) U.S. Army MEDDAC, Fort Knox (UCMJ, Art 23(a)(3))

(a) U.S. Army Dental Activity Command: SCMCA

(b) Public Health Command District-Fort Knox: SCMCA