

Headquarters  
United States Army Cadet Command and Fort Knox  
Fort Knox, Kentucky 40121-5123  
17 May 2012

\*Fort Knox Regulation 27- 10

## Legal Services

### MILITARY JUSTICE

**Summary.** This regulation prescribes policies and procedures governing the administration of military justice for all units within the general court-martial (GCM) jurisdiction of the Commander, United States Army Cadet Command (USACC) and 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 nonjudicial punishment (NJP) or trial by court-martial.

**Applicability.** This regulation applies to all units, organizations, and personnel assigned or attached to this command for Uniform Code of Military Justice (UCMJ) and adverse administrative actions.

**Supplementation.** Supplementation of this regulation by subordinate commanders is prohibited without prior approval from this headquarters.

**Proponent.** The proponent for this regulation is the Office of the Staff Judge Advocate (OSJA).

**Suggested improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) through command channels to Office of the Staff Judge Advocate (ATCC-SJA), Fort Knox, Kentucky 40121-5230.

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\*This regulation supersedes USAAC Reg 27-10. 10 Sept 2010.

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## **Chapter 1**

### **Introduction**

**1-1. Purpose.** This regulation implements the Manual for Courts-Martial (2008 Edition) and Army Regulation 27-10, Military Justice, 3 October 2011, and prescribes policies and procedures pertaining to the administration of military justice at Fort Knox.

#### **1-2. References.**

- a. Manual for Courts-Martial (MCM), United States (2012 Edition).
- b. Army Regulation 27-10, Military Justice, 3 October 2011.
- c. DA Pamphlet 27-17, Procedural Guide for Article 32(b) Investigating Officer, 16 September 1990.
- d. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), 23 December 2004.
- e. AR 600-8-24, Officer Transfers and Discharges, 12 April 2006.
- f. DOD Directive 6490.1, Mental Health Evaluations of Members of the Armed Forces, 1 October 1997.
- g. DOD Instruction 6490.4, Requirements for Mental Health Evaluations of Members of the Armed Forces, 28 August 1997.

#### **1-3. Responsibilities.**

a. The Staff Judge Advocate (SJA) is the legal advisor to the Commander, USACC and Fort Knox, and is responsible for overall supervision and administration of military justice within USACC and Fort Knox. The SJA has primary responsibility for the assignment of all military legal personnel arriving in this command with 27A (Judge Advocate), 270A (Legal Administrator), and 27D (Paralegal Specialist/Paralegal Noncommissioned Officer) military occupational specialties (MOS), regardless of unit of assignment. To ensure timely and efficient processing of military justice and related adverse administrative actions, the SJA has authority to direct reassignment of all military legal personnel within this command after coordination with losing/gaining commanders and the Adjutant General (AG).

b. Paralegal Specialists, Paralegal NCO's, Legal Administrators, and Judge Advocates will not be assigned regular duties inconsistent with their MOS when such duties will delay the processing of legal actions or create a potential conflict of interest. Such duties include assignment to long-term details that delay processing legal actions. Additionally, Paralegal Specialists, Paralegal NCO's, Legal Administrators, and Judge Advocates are exempt from all unit detail rosters because of the nature and potential conflict such details create with their legal duties. All requests for an exception to this policy should be directed through the Deputy Staff Judge Advocate (DSJA) to the SJA.

c. The Chief, Criminal Law Division, is responsible for the supervision of trial counsel, assignment of individual cases, processing of courts-martial and administrative separation boards, and administration of military justice at Fort Knox, as directed by the SJA.

d. 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.

#### **1-4. 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 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 service record of the alleged offender.

c. Nonpunitive, 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 regulation, Trial Counsel from the Criminal Law Division are available to furnish advice in this area.

d. Procedures for NJP and courts-martial are set forth in the MCM, AR 27-10, and this regulation. Commanders will carefully adhere to these procedures in the evaluation and execution of 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 service record of the accused Soldier. 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. Furthermore, commanders must not predetermine punishments prior to adjudicating a case. This includes creating memoranda listing punishment levels for specific UCMJ violations.

**1-5. Designation of Court-Martial Convening Authorities.**

a. General Court-Martial Convening Authority (GCMCA). Under the provisions of Article 22(a)(8), UCMJ, the Commander, USACC and Fort Knox, has authority to convene GCM and ordinarily serves as the GCMCA for all units assigned or attached to USACC or Fort Knox for the administration of military justice, unless unit attachment or assignment orders specify otherwise.

b. Special Court-Martial Convening Authorities. The commanders of units and organizations listed below are special courts-martial convening authorities (SPCMCA). This list is not exclusive.

- (1) Human Resources Command (UCMJ, Art 23(3)).
- (2) U.S. Army Garrison Command, Fort Knox (UCMJ, Art 23(2)).
- (3) U.S. Army Accessions Support Brigade, (UCMJ, Art 23(3)).
- (4) U.S. Army TACOM Life Cycle Management Command (UCMJ, Art 23(3)).
- (5) 4th Cavalry Brigade (TS) (UCMJ, Art 23(3)).
- (6) U.S. Army MEDDAC, Fort Knox (UCMJ, Art 23(3)).
- (7) 3d Sustainment Command (Expeditionary) (UCMJ, Art 23(3)).
- (8) 3d Brigade Combat Team, 1st Infantry Division (UCMJ, Art 23(3)).
- (9) 1st Brigade, U.S. Army Cadet Command (UCMJ, Art 23(3)).
- (10) 2d Brigade, U.S. Army Cadet Command (UCMJ, Art 23(3)).
- (11) 3d Brigade, U.S. Army Cadet Command (UCMJ, Art 23(3)).
- (12) 4th Brigade, U.S. Army Cadet Command (UCMJ, Art 23(3)).
- (13) 5th Brigade, U.S. Army Cadet Command (UCMJ, Art 23(3)).
- (14) 6th Brigade, U.S. Army Cadet Command (UCMJ, Art 23(3)).
- (15) 7th Brigade, U.S. Army Cadet Command (UCMJ, Art 23(3)).
- (16) 8th Brigade, U.S. Army Cadet Command (UCMJ, Art 23(3)).
- (17) U.S. Army Accessions Command (UCMJ, Art. 23(3), (6))

**1-6. Supporting Trial Counsel.** The SJA shall designate a supporting trial counsel for each SPCM jurisdiction. The designated trial counsel will be the primary point of contact for all military justice matters pertaining to that jurisdiction. The Chief, Criminal Law Division, OSJA, USAREC, will be the primary point of contact (POC) for all military justice matters pertaining to USAREC prior to referral to courts-martial. After referral, the POC will be the Chief, Criminal Law Division, OSJA, USACC.

**1-7. Military Justice and Law of War Instruction.** Unless otherwise directed by appropriate training guidance from TRADOC or this 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 by a judge advocate should contact their supporting trial counsel or the Chief, Criminal Law Division, to schedule appropriate classes.

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## **Chapter 2**

### **Nonjudicial Punishment**

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

a. Minor Traffic Offenses. Except in specific cases approved by the Commander, USACC, authority to impose NJP or initiate UCMJ charges for minor traffic offenses occurring on Fort Knox is withdrawn from all subordinate commanders. Minor traffic offenses on post 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). See also AR 27-10, paragraph 23-1b.

b. Certain "aggravated" traffic offenses. Except in specific cases approved by the Commander, USACC, authority to impose NJP or initiate UCMJ charges for the "aggravated" traffic offenses listed below and occurring on Fort Knox is withdrawn from all subordinate commanders. These "aggravated" 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):

- (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.
- (4) Driving without a license, registration, or insurance.

c. Requests for exception. Written requests for exception to the withdrawal of jurisdiction mentioned above (paragraphs 2-1a or 2-1b) shall be made through the chain of command to the Commander, USACC, after first coordinating with the SJA.

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 U.S. District Court at Fort Knox. Commanders must seek trial counsel advice prior to proceeding with UCMJ action.

- (2) Offenses committed in 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. memorandum of reprimand or administrative reduction).

(1) Reprimand. When a Soldier is convicted of DUI or an analogous crime, the command will submit supporting documentation of the underlying offense and any evidence of a conviction to the Criminal Law Division, OSJA. Upon the arrest or citation of a Soldier for a DUI offense, and prior to a conviction, the chain of command shall provide the supporting documentation to the Criminal Law Division, OSJA, for action by the CG, USACC. All requests for a General Officer Memorandum of Reprimand (GOMOR) prior to or after a conviction for a DUI offense must be coordinated with the SJA prior to submission to the Commander, USACC. The Criminal Law Division will coordinate with the Commander, USACC to initiate a GOMOR. Once initiated, the Criminal Law Division will deliver the GOMOR to the command for service upon the Soldier/respondent. Once the Soldier/respondent submits matters or waives the right to submit matters, the chain of command will forward recommendations for filing determination through the Criminal Law Division to the Commander, USACC, for filing determination. The processing of these actions will be expedited. After the period for the Soldier/respondent to submit rebuttal matters or waive the right to submit rebuttal matters, the chain of command must process the action, complete with all recommendations from the chain of command, to the Criminal Law Division within 7 calendar days. Additionally, the filing determination for DUI GOMORs issued to Senior NCOs (those in the grade of E8 or E9), commissioned officers, and warrant officers will require personal attendance before the CG, USACC, by the Soldier/respondent and his/her chain of command.

(2) Administrative Reduction. A 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 civil crime.

## **2-2. Withholding Authority to Dispose of Senior Noncommissioned Officer (NCO) and Officer Misconduct and Notification Requirements.**

a. Authority to dispose of UCMJ offenses allegedly committed by Senior NCOs (those in the grade of E8 or E9), commissioned officers, and warrant officers is reserved to the Commander, USACC, except that any subordinate unit commanded by a general officer who is senior to the Soldier accused of misconduct retains authority to dispose of UCMJ offenses committed by senior NCO's and officers as defined above. This authority includes the authority to issue reprimands and impose nonjudicial punishment. This authority, however, does not relieve commanders of the obligation to comply with the notification requirements below in Paragraph 2-2b and shall not be interpreted as superseding the withholding of authority detailed in Paragraph 2-1, Limitations on NJP Authority.

b. All alleged misconduct, defined as an offense punishable under the UCMJ, committed by senior NCO's or officers, as defined in paragraph 2-2a, shall be reported to the Commander, USACC, and the SJA within 48 hours of the incident or allegation. The requirement to notify the Commander, USACC, includes misconduct committed by senior NCO's or officers in subordinate units who are commanded by a general officer. A commander who believes that UCMJ action should be taken against an officer or senior NCO within his or her command will report the alleged misconduct, via command channels, to the Commander, USACC, after coordination with the Criminal Law Division. The Criminal Law Division must be provided with the following documents: the investigative file or information concerning the alleged

misconduct; the Officer Record Brief (ORB) or Enlisted Record Brief (ERB); record of previous disciplinary actions; chain of command recommendations regarding disposition; and if desired, a written request for release of authority to dispose of the misconduct. This report does not affect any requirement to transmit an operations report or serious incident report regarding such misconduct.

**2-3. 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.

**2-4. 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 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. If the Commander, USACC, is the appellate authority, the case will be referred to the SJA for consideration and advice, and the SJA 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, USACC, is the appellate authority, the imposing commander will provide a comment regarding the appeal. The imposing commander will also include the Soldier's local personnel file with forwarded matters.

**2-5. Military Justice Report.** Brigade/Regimental legal personnel are required to submit a Military Justice Report to the Criminal Law Division, OSJA, no later than the second working day of each month.

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**Chapter 3**  
**Civilian Confinement**

**3-1. General.** It is the policy of this command to ensure proper accountability of Soldiers and support their welfare while they are in civilian confinement.

**3-2. Responsibilities.**

a. Commanders will immediately report the confinement of members of their commands by civilian authorities by memorandum transmitted electronically to the Criminal Law Division (supporting trial counsel), OSJA, with information copies to the Director, Emergency Services. This report will 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 convicted and sentenced.

b. Following any civil conviction, whether or not it results in confinement, the commander will consult supporting trial counsel, the supporting Military Personnel Office (MILPO), AR 635-200, and AR 600-8-19 to determine what action, if any, to take based on the conviction. In cases where a Soldier has been convicted of a civil offense, which results in a sentence of over 6 months confinement, the Soldier may be 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.

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## **Chapter 4 Courts-Martial**

### **4-1. Pretrial Restraint.**

a. The imposition of pretrial confinement, 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 Rules for Courts-Martial (RCM) 707 (see also RCM 304(a)). The time frame may vary depending upon the triggering event. The following types of pretrial restraint trigger the speedy trial clock (see RCM 707(a)(2)):

- (1) Restriction to specified limits (RCM 304(a)(2)).
- (2) Arrest (restriction plus cessation of duties) (RCM 304(a)(3)).
- (3) Pretrial confinement (RCM 304(a)(4)).
- (4) Restriction tantamount to confinement.

b. Because pretrial restraint triggers the speedy trial provisions, commanders will not impose any form of pretrial restraint without making prior coordination with their supporting trial counsel. All pretrial restraint imposed by a commander should be in writing. Common forms of pretrial restraint that require coordination with a supporting trial counsel include, but are not limited to, placing a Soldier on "line-of-sight," increased sign-in procedures, and revoking pass privileges. Additionally, once a commander imposes pretrial restraint, he/she must inform the trial counsel of (1) the date the restriction was imposed and (2) the conditions of the restriction.

c. Pretrial confinement is not authorized until the SJA is notified of the efforts to place the accused in pre-trial confinement. The coordination should be accomplished by the trial counsel through the Chief, Criminal Law Division.

d. The commander ordering pretrial confinement IAW RCM 305 must inform the trial counsel of the alleged offenses and complete a DA Form 5112-R, Checklist for Pretrial Confinement, including the following information:

- (1) The offenses committed by the accused;
- (2) Why confinement is necessary to ensure the accused's presence at trial;
- (3) How confinement will prevent further serious misconduct by the accused;
- (4) Why restriction or other less severe forms of restraint are not sufficient.

**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.

**4-3. Article 32 Investigation.**

a. Appointment of an investigating officer (IO) prior to recommending a case be tried by GCM, the SPCMCA should appoint an officer, who has not been previously exposed to the facts of the case, to conduct a pretrial investigation of the charges IAW Article 32, UCMJ, and RCM 405. The IO should be a field grade officer. With concurrence of the SJA, Judge Advocates may be appointed as IOs in complex cases. The appointment will be in writing. To facilitate the timely processing of each case, the IO will be relieved of all other duties that would interfere with the investigation and given all administrative support necessary to complete the investigation without undue delay.

b. Conduct of the Article 32 Investigation. The investigation will be conducted IAW Article 32, UCMJ; RCM 405, and DA Pam 27-17. Within 24 hours of being appointed, the IO will contact the Chief, Administrative Law Division, for a briefing on the procedural requirements of the investigation. The DD Form 457 (Investigating Officer's Report) should be forwarded to the appointing authority within 7 days of the IO being appointed, excluding any authorized delay. In all cases, the IO will include a brief chronology of the investigation in item 21, DD Form 457, to include an explanation of any periods of delay. The SPCMCA may delegate the authority to approve delays to the IO by including the following language in the appointment memorandum: "IAW RCM 707(c), you are authorized to approve requests for delay of the Article 32 hearing." Note: SPCMCA must approve delays in writing.

c. Authorization for payment of transportation expenses and allowances for civilian witnesses at Article 32 investigations. When an IO determines a civilian witness is necessary to the investigation and reasonably available, the IO will submit a request for payment of transportation expenses and allowances to the Chief, Criminal Law Division. Pursuant to AR 27-10, paragraph 5-12, the authority to approve the payment of transportation expenses and allowances for civilian witnesses at Article 32 investigations is delegated to the SJA. The Commander, USACC, retains authority to disapprove such payments.

**4-4. Court Reporters.** Any request for a court reporter to prepare a verbatim transcript of the testimony of a witness at an Article 32 investigation will be forwarded to the Deputy SJA for approval.

**4-5. Witness Attendance.**

a. Subpoenas, invitational travel orders, payment vouchers, and travel arrangements for all witnesses required to testify at courts-martial or Article 32 investigations are processed by the Criminal Law Division. Requests from other installations asking for witnesses located at or near Fort Knox will also be processed by the Criminal Law Division.

b. Unit commanders will release courts-martial witnesses from other military duties and provide adequate transportation for the witnesses and accused to attend trial. Unit commanders will ensure that all designated witnesses under their command appear to testify in a clean Class A or Army Service Uniform. Additionally, unit commanders will provide bailiffs, escorts, and any other personnel required to support the trial (see paragraph 4-6b).

c. Commanders will not issue passes, ordinary leave, or temporary duty (TDY) orders to potential court-martial witnesses (including witnesses for Article 32 investigations), suspects, defendants scheduled to appear in U.S. District Court, or accused Soldiers without prior coordination with the supporting trial counsel or the Chief, Criminal Law Division. Whenever practical, emergency leave should not be granted to these individuals without first coordinating with the supporting trial counsel or the Chief, Criminal Law Division.

d. If the permanent change of station or extended TDY of a witness appears likely before trial, the unit commander will forward a request for administrative hold through the Criminal Law Division (supporting trial counsel) to the supporting MILPO. The request will name the case for which the testimony is needed and the date and place of the witness' prospective reassignment. If it appears that a military witness will terminate active service before trial, i.e., ETS, the witness's commander will immediately notify the supporting trial counsel or the Chief, Criminal Law Division.

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

a. It is the responsibility of the appropriate unit commander to ensure that an accused is present for consultation with defense counsel and for trial. The unit commander of an accused in pretrial confinement will provide guards and transportation to escort the accused from the place of confinement to the place of trial so that the accused arrives at least 30 minutes before the designated time of trial. Upon the request by the defense counsel, the unit commander will render reasonable assistance to ensure the accused is properly attired (Class A or Army Service Uniform).

b. The unit commander will provide two escorts to accompany an accused during trial. The unit commander will also provide a bailiff who will be in a uniform designated by the Chief, Criminal Law Division. The escorts will be of a grade equal or senior to that of the accused and no less than the grade of E-5. Escorts will wear duty uniform. Soldiers assigned escort and bailiff duty will report to the Criminal Law Division for a detailed brief no later than one week prior to trial.

c. The prisoner guards will not allow the prisoner out of sight and custody until the prisoner is delivered to the appropriate confinement authority, unless they are relieved of this duty by a Judge Advocate, to include the prisoner's military defense counsel.

**4-7. Witness Transportation.**

a. The unit is responsible for providing drivers and adequate transportation for witnesses during the scheduled court-martial. A representative from the Criminal Law Division will notify the brigade legal office of all pertinent information for trial. The brigade legal office will request the unit provide the names and contact information of the Soldiers identified to be drivers. Those unit personnel identified to drive witnesses will report the Victim Witness Liaison for a mandatory briefing no later than one week prior to trial.

b. The driver 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.
- (3) Transporting witnesses to and from DFAC or other designated location(s) for meals.

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**Chapter 5**  
**U.S. District Court at Fort Knox (Magistrate Court)**

**Court Procedures.**

a. The U.S. District Court at Fort Knox, which normally convenes in Bldg. No. 1310, 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. If a defendant is unable to appear in U.S. District Court due to some compelling reason (e.g., extended TDY, emergency leave, civilian confinement, etc.), the defendant, or the defense attorney if one has been retained, must contact the Magistrate Court Clerk in the OSJA prior to the scheduled court date to formally request a delay. The Magistrate 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 Magistrate Court Clerk will submit the request and notify the defendant of the new court date.

c. To ensure that Soldiers comply with court appearance notices they receive by mail, the U.S. Magistrate Court Clerk at Fort Knox will provide copies of upcoming court dockets to each brigade/regimental legal section. The brigade/regimental legal sections are directed to provide notice of each defendant's court date to the appropriate unit commander. Commanders will ensure their Soldiers comply with court notices. Soldier-defendants will not be placed on leave, TDY, or other duty during their court date.

d. 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.

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

f. 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.

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## **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. Policies. 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 courtesy. 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 the case involves domestic abuse or sexual misconduct.

c. Objectives. 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 and accorded rights under AR 27-10, Chapter 18, subject to available resources.

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

a. The Victim/Witness Liaison (VWL) for Fort Knox is located within the Criminal Law Division. The VWL is the point of contact victims and witnesses may obtain services and information regarding the status of a pending case.

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

#### **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 IO or referral of charges to court-martial, the 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.

**6-4. Consultation with Victims.** When appropriate, trial counsel, VWL, or commanders of Soldiers suspected of crimes shall consult with victims of serious offenses concerning the following:

- a. Decisions not to prefer charges;

- b. Decisions concerning pretrial restraint or release from pretrial confinement of the alleged offender;
- c. Dismissal of court-martial charges; and/or
- d. Negotiation of pretrial agreements and their potential terms.

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.



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