

FACT SHEET

SUBJECT: Restriction

1. PURPOSE. To advise leaders of the requirements of pretrial restraint.

2. FACTS.

a. **COMMANDERS SHOULD ALWAYS CONTACT THEIR UNIT TRIAL COUNSEL BEFORE RESTRICTING A SOLDIER.** Restriction generally consists of ordering a soldier to stay within specific geographical limits. For example, the commander may restrict a soldier suspected of criminal misbehavior to the installation or to the battalion area. The commander can only impose pretrial restraint because he suspects the soldier has committed a crime. The restriction cannot be used as punishment. Its sole purpose is to ensure the soldier is present to face disciplinary proceedings, or to prevent future misconduct while the soldier awaits such proceedings.

b. The restriction should be no more rigorous than is necessary to ensure the soldier's presence at trial or prevent future crimes. In fact, in most instances, the revocation of a soldier's pass privileges (removal of privilege to leave the installation) offers the command sufficient control over the soldier.

c. Commanders must abide by the following rules when imposing restriction:

(1) Inform the soldier (in writing when possible) of the exact limits of the restriction.

(2) The soldier should also be informed of the reason for the restraint. The commander should inform the soldier of any crimes of which he might be suspected.

(3) Soldiers must be permitted to go to their place of worship, post exchange, mess hall, consult legal counsel, and other such places (the commander may provide an escort).

(4) The soldier should be permitted to perform his regular duties.

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d. Restraint that is too restrictive or does not conform to these requirements is illegal and is a serious violation of ATZK Article 13, UCMJ. Such violations may jeopardize disciplinary proceedings.

3. POC is the unit trial counsel.

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