



# CRIME AND PUNISHMENT

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## NONJUDICIAL PUNISHMENT

### ARTICLE 15 ACTIONS

During **November 2016**, JBSA commanders administered 25 nonjudicial punishment actions under Article 15 of the UCMJ. The punishments imposed reflect the commander's determination of an appropriate punishment after considering the circumstances of the offense and the offender's record. A "suspended" punishment does not take effect unless the offender engages in additional misconduct or fails to satisfy the conditions of the suspension. The suspension period usually lasts for six months unless a lesser amount is specified. Administrative discharge may also be an option for commanders after the conclusion of an Article 15, depending on the circumstances. The following are some of the NJP actions that closed out in November. Decisions regarding discharge are not included.

**Failure to go, Violate other General Order** – A Technical Sergeant, without authority, failed to go at the time prescribed to her appointed place of duty. Additionally, she failed to use LeaveWeb as required to absent herself from her place of duty. The member received a reduction to the grade of Staff Sergeant (suspended), and a reprimand.

**Dereliction of Duty: Willful**– An Airman First Class in technical training consumed alcohol while on CQ duty and attempted to give an alcoholic beverage to another Airman under the age of 21. The member received a reduction to the grade of Airman (suspended), restriction to base for 30 days, 30 days extra duty, and a reprimand.

**Conspiracy to Commit Larceny**– An Airman First Class in technical training was apprehended by Security Forces at the BX for conspiracy to commit larceny after being observed in the BX working with another person to place a pair of headphones in a backpack. The member received a reduction in grade to Airman Basic (suspended below Airman), and a reprimand.

**Dereliction of Duty: Willful** – An Airman Basic in technical training was caught with testing material written on his hand while taking a block test. The member received 20 days restriction to base, forfeiture of \$724 pay per month for one month (suspended), and a reprimand.

**Adultery, Violate other General Order** – A Senior Airman, while still married, was involved in an unprofessional, adulterous relationship with an officer in her unit. The member also violated a no contact order by continuing to communicate with the officer after being ordered not to. The member received a reduction in grade to Airman First Class, and a reprimand.

**Larceny, Suffering Military Property**– An Airman First Class stole medical supplies from a Military Treatment Facility and conducted a minor surgical procedure on himself. After the member performed the procedure he discarded the medical waste in an unauthorized trash receptacle. The member received a reduction in grade to Airman (suspended), and a reprimand.

**False Official Statement** – A Staff Sergeant altered a previous official PT

score sheet to make it look like a current status. The member then presented the altered score sheet to the UFPM as a current fitness score sheet. The member received a reduction in grade to Senior Airman, and a reprimand.

**Going from Place of Duty** – An Airman Basic in basic training failed to report to a mandatory detail as required, then departed from the installation by jumping a perimeter fence. He was later apprehended at a local motel. The member received forfeiture of \$724 pay per month for one month, and a reprimand.

### Military Justice POCs

**JBSA Lackland (37 TRW, 59 MDW and LAK Mission Partners)**

(671-2007)

*Capt Will Wright (Courts)*

*TSgt Jovanni Hill (Courts)*

*Ms. Karen Dreitzler (Courts)*

*Capt Brittany Hannah (NJP)*

*Capt Doug Moquet (NJP)*

*TSgt Larry Wrenn (NJP)*

**JBSA Fort Sam Houston (502 ABW and FSH/CB Mission Partners)**

(221-2032)

*Capt Lauren McCormick (Courts)*

*Capt Gabriel Bush (NJP)*

*TSgt Eduardo De La Torre*

**JBSA Randolph (12 FTW and RND Mission Partners)**

(652-9673)

*Capt Eliot Peace*

*SSgt Margo Walker*

# Military Magistrate and Pretrial Confinement

## NEED A SEARCH AUTHORIZATION? WHO DO YOU CALL?

### Scenario:

Amn Skywalker reports that his blue laptop with a Spurs sticker is missing from his dorm room. A reliable witness reports seeing A1C Vader leaving Amn Skywalker's room, and entering his own room, with that same exact laptop just an hour ago. Who do you call? The Military Magistrate.

Military magistrates are officers in the grade of O-5 and above, of "judicial temperament," who are appointed by the installation commander. They determine whether probable cause exists to issue search, seizure, and apprehension authorizations in criminal investigations, and, if so, they issue such authorizations. The probable cause authorizations are based upon written or oral statements or any other evidence or information made known to the magistrate.

Military magistrates must be "on call" 24/7, ready to field requests from AFOSI and SFS for searches and seizures on base. Upon receiving a request and a sworn statement from law enforcement, the magistrate makes a determination as to whether probable cause exists to grant the search or seizure, usually with the advice of the on-call JAG.

## WHAT IF AN AIRMAN GOES ON A CRIME SPREE? WHAT CAN BE DONE BEFORE TRIAL?

### Scenario:

A1C Vader's room is found to be full of stolen laptops. He is on a crime spree. How can he be stopped while he awaits trial? Pretrial Confinement.

Pretrial confinement is rare and is used to ensure the appearance of a defendant at their upcoming court-martial and/or to prevent the commission of serious misconduct by the accused while awaiting trial.

A1C Vader's pretrial confinement would be reviewed after 48 and 72 hours to determine if it was legal and still necessary. Within 7 days of being ordered into pretrial confinement, an Airman is entitled to a hearing before a neutral and detached "Pretrial Confinement Review Officer (PCRO)." The Airman is represented by Defense Counsel and can make his case on why he should be allowed out of confinement. The PCRO is charged with determining whether continued pretrial confinement is warranted by determining whether there is probable cause to believe that (1) a UCMJ violation was committed; (2) the accused committed it; and (3) the restraint imposed is required by the circumstances to either ensure the presence of the accused at court-martial, or to prevent foreseeable serious criminal misconduct while pending court-martial. Members in pretrial confinement are presumed innocent and are still paid while in pretrial confinement.

## COURTS-MARTIAL AT JBSA IN NOVEMBER 2016

There were no courts-martial that closed out through sentencing during November 2016.

**All courts-martial are open to the public.**

Visit our USAF Public Docket website at <http://www.afjag.af.mil/docket/index.asp>.