



# CRIME AND PUNISHMENT

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## NONJUDICIAL PUNISHMENT

### ARTICLE 15 ACTIONS

During August 2016, JBSA commanders administered 36 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 August. Decisions regarding discharge are not included.

**Damaging Non-Military Property -** A Major damaged over \$500 worth of hotel property by throwing objects from a rooftop. The member received forfeiture of \$1,000 pay per month for one month and a reprimand.

**Conduct Unbecoming an Officer -** A Captain viewed pornographic material on a government computer. The member received forfeitures of \$2,246 pay per month for two months (with one month suspended), and a reprimand.

**Dereliction of Duty: Willful-** A Master Sergeant used her Government Travel Card to make unauthorized purchases. The member received a reduction to the grade of Technical Sergeant, forfeiture of \$1,886 pay per month for two months, and a reprimand.

**Drunk and Disorderly, Dereliction of Duty: Willful, AWOL, Disrespect to a Commissioned Officer, and Disrespect to a Non-Commissioned Officer -** An Airman Basic unlawfully consumed alcohol while under the age of 21. The member subsequently failed to report to work on time and when confronted on the matter, was disrespectful to a Major and a Technical Sergeant. The member received forty five days restriction to base, forty five days extra duty, forfeitures of \$783 pay per month for two months, and a reprimand.

**Dereliction of Duty: Willful, False Official Statement, and Other Offenses under Article 134 -** An Airman First Class possessed alcohol in the dormitory, lied about attending an appointment, and attempted to avoid physical training by hiding behind an electrical box. The member received a reduction to the grade of Airman, forfeiture of \$878 pay per month for two month (with one month suspended), and a reprimand.

**Simple Assault -** A Technical Sergeant pulled the ear of a trainee on more than one occasion. The member received a suspended reduction to the grade of Staff Sergeant, forfeitures of \$1,583 pay per month for two months, and a reprimand.

**Abusive Sexual Contact, Simple Assault, and Other Offenses under Article 134 -** An Airman in technical training touched the vagina of a fellow Airman without her consent. The member also forcefully grabbed the arm of another Airman with his hand and persistently harassed fellow trainees with unwanted sexual and insulting comments. The member received a reduction to the

grade of Airman Basic, thirty days restriction to base, thirty days extra duty, forfeiture of \$783 pay per month for two months, and a reprimand.

**False Official Statement -** An Airman First Class forged a signature on an Air Force Fitness Assessment Scorecard. The member received a reduction to the grade of Airman Basic, forfeiture of \$783 pay per month for 2 months, suspended through 18 January 2017, 45 days extra duty, and a reprimand.

### Military Justice POCs

**JBSA Lackland (37 TRW, 59 MDW and LAK Mission Partners)**  
(671-2007)

- Capt Will Wright (Courts)*
- TSgt Jovanni Murphey (Courts)*
- Capt Brittany Hannah (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)*
- A1C Jonathan Lopez*

**JBSA Randolph (12 FTW and RND Mission Partners)**  
(652-9673)

- Capt Eliot Peace*
- SSgt Timothy Morin*

## A Commander's Guide to Reporting Allegations of Sexual Assault\*

Sexual assault is defined as intentional sexual contact characterized by the use of force, threats, intimidation, and abuse of authority, or intentional sexual contact to which the victim otherwise does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive or wrongful, to include unwanted and inappropriate sexual touching.

The Sexual Assault Prevention and Response (SAPR) Office has the lead in the area of sexual assault prevention, but every Airman and every agency must play a role for prevention to work. Ultimately, when sexual assault occurs, commander will also be involved. This is because commanders are responsible for the good order and discipline within their units and as such, have unique responsibilities regarding their response to an allegation of sexual assault.

All commanders notified of a sexual assault of any type must, first and foremost, take immediate steps to ensure the victim's physical safety, emotional security, and medical treatment needs are met. Commanders must also make sure that AFOSI or another appropriate criminal investigative agency is promptly notified. Commanders should not make a determination about investigating a sexual offense without first consulting both AFOSI and the Staff Judge Advocate (SJA) at the Legal Office.

Commanders, as well as all people in a victim's chain of command are mandatory reporters. This means that they must report sexual assaults that are brought to their attention to AFOSI. Commanders cannot keep a report of sexual assault restricted. This power rests with the victim alone.

\*Unrestricted Reports

Commanders should also determine whether temporary reassignment or relocation of the victim or accused assailant is appropriate and whether no contact orders or Military Protective Orders (DD Form 2873) should be issued.

The Sexual Assault Response Coordinator (SARC) will complete and submit a 24-hour Notification to the Installation Commander for all restricted or unrestricted reports. This serves as a standalone report and is sent via an encrypted, unclassified e-mail. The Installation CC will then forward a copy to the MAJCOM SARC who will forward to the MAJCOM/CV and AF/CVS.

Subsequent to these initial actions, commanders are then responsible for completing an eight-day Sexual Assault Incident Response Oversight (SAIRO) report for all unrestricted and independent reports in which the victim or subject is a service member. Normally, it will be the victim's immediate commander (squadron commander) that will complete the SAIRO. The purpose of the SAIRO is to detail the actions that have been taken or that are then in progress. This serves to provide the necessary care and support to the victim of the assault, to provide initial notification of the serious incident to the commanders and the appropriate levels, and to ensure that the sexual assault allegations are referred to the proper investigatory agencies for action.

Finally, in some cases of unrestricted reports, a Commanders Critical Information Requirement (CCIR) report may also be required. These cases include those that have media attention, Congressional involvement, an overturned conviction, or other factors warranting higher level command awareness. Ultimately, early engagement, diligence, and communication are a commander's guiding principles in handling reports of sexual assault.

## COURTS-MARTIAL AT JBSA IN AUGUST 2016

There were no courts-martial that closed out through sentencing during the month of August 2016.

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

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