



# CRIME AND PUNISHMENT

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## NONJUDICIAL PUNISHMENT

### ARTICLE 15 ACTIONS

During the month of March 2017, JBSA Commanders administered 24 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. The following are some of the NJP actions that closed out in the month of March.

**Dereliction of Duty** - a Staff Sergeant used her GTC for personal expenses. The member received a reduction to Senior Airman (suspended) and a reprimand.

**Underage Drinking** - An Airman Basic in technical training consumed alcohol while under the age of 21. The member received 10 days extra duty, 10 days restriction to base, forfeiture of \$799 pay per month for two months (one month suspended) and a reprimand.

**Introduction of Marijuana** - An Airman in technical training knowingly provided another Airman with transportation in order to go purchase marijuana. The member received 7 days extra duty, 14 days restriction to base, reduction to Airman Basic, and a reprimand.

**False Official Statement** - A Staff Sergeant made a false official statement to a SNCO. The member received a reduction to Senior Airman (suspended) and a reprimand.

**AWOL** - An Airman First Class left the base after signing in for accountability. The member received a reduction to Airman (suspended), forfeitures of \$60 pay per month for one month, 14 days restriction, 7 days extra duty, and a reprimand.

**Dereliction of Duty** - An Airman Basic in technical training was caught using an Electronic Cigarette in the dorms. The member received forfeitures of \$799 pay per month for one month, 20 days restriction, and a reprimand.

**Wrongful Use of Marijuana** - An Airman Basic in technical training tested positive for marijuana on a urinalysis. The member received 30 days restriction to base, forfeiture of \$739 pay per month for

two months, and a reprimand.

**Dereliction of Duty** - An Airman First Class failed to refrain from consuming alcohol while on telephone stand-by. The member received a reduction in grade to Airman, forfeitures of \$896.00 pay per month for two months ( s u s p e n d e d ) , 30 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 Hill (Courts)*

*Ms. Karen Dreitzler (Courts)*

*Capt Tony Rock (NJP)*

*SSgt Stephen Williams (NJP)*

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

(221-2032)

*Capt Lauren McCormick (Courts)*

*Capt Gabriel Bush (NJP)*

*Amn Savannah Perez*

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

(652-9673)

*Capt James Dawkins*

*SSgt Margo Walker*

# Inspections vs. Searches

Military law gives commanders broad powers to conduct inspections of persons and property under their command in order to ensure readiness as well as good order and discipline.

**Inspections:** Examinations of a person, property, or premises for the primary purpose of determining and ensuring the security, military fitness, or good order and discipline of your command.

- Inspections may be “announced” or “unannounced” and may be authorized without probable cause
- Inspections may be conducted personally by the commander or by others at the commander’s direction

**Lawful Inspections:** (1) primary purpose is to ensure security, military fitness or good order and discipline; and (2) inspection is conducted using reasonable means (e.g., dorm sweeps, unit urinalysis sweeps, random urinalyses).

Some commanders (and military magistrates) also have the power to authorize **searches** (and seizures) of persons and property under their command when there is probable cause and when the purpose of the search is to gain evidence for disciplinary or judicial purposes. **It is important to note the inspections and searches are very different from one another.**

**Searches:** Examinations of a person, property, or premises, for the purpose of finding evidence for use in trial by court-martial or in other disciplinary proceedings.

A search may be authorized for:

- Persons subject to military law and under the commander’s command
- Persons or property situated in a place under the commander’s command and control
- Military property or property of a nonappropriated fund instrumentality (NAFI)

A search may be authorized for the following types of evidence:

- Contraband (e.g., drugs, unauthorized government property);
- fruits of a crime (e.g., stolen property, money);
- evidence of a crime (e.g., bloody stained clothing, weapon, fingerprints, bodily fluids).

**Probable cause** must be present before a commander can legally authorize a search. Probable cause is a “reasonable belief based on credible evidence” (e.g., an eyewitness’s sworn affidavit that they saw a contraband in a particular suspect’s room). Always consult JA to ensure you meet the standards.

Example: A urinalysis sweep of your unit to ensure fitness for duty is an inspection.

Example: A urinalysis sweep of your unit to confirm the rumor that SSgt Bob is using marijuana—is an ILLEGAL inspection. Instead, contact JA. They will contact the military magistrate and work to get a warrant (called search authorization) for a **search**.

## COURTS-MARTIAL AT JBSA IN MARCH 2017

**United States v. MSgt RT**, 502 OSS, JBSA-Lackland, was tried by a general court-martial consisting of officer members from 13 - 20 March 2017 at JBSA-Randolph. Contrary to his own pleas, the panel of members found MSgt RT guilty of one charge and one specification of dereliction of duty in violation of Article 92, UCMJ (for an unprofessional relationship with a subordinate) and one charge and one specification of sexual assault in violation of Article 120, UCMJ. MSgt RT was sentenced by the panel of members to reduction to E-3, two years confinement, and a dishonorable discharge.

**After sentencing, members can request clemency. In some cases, this can change the outcome of their case and/or sentence. All courts-martial are open to the public. Visit our USAF Public Docket website at <http://www.afjag.af.mil/About-Us/Docket>.**