



CRIME AND PUNISHMENT

VOLUME I, ISSUE 4

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NONJUDICIAL PUNISHMENT

ARTICLE 15 ACTIONS

During **January 2016**, JBSA commanders administered 3 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 January.

Dereliction of Duty: Willful – A Staff Sergeant in technical training was apprehended by Security Forces for driving while intoxicated. The member received a reduction to Senior Airman and a reprimand.

Dereliction of Duty: Willful – An Airman First Class in technical training failed to stay inside the dormitory between the hours of 2000-0400. The member received 14 days restriction, 14 days extra duty and a reprimand.

Dereliction of Duty: Willful – An Airman Basic in technical training failed to stay inside the dormitory between the hours of 2000-0400. The member received 14 days restriction, 14 days extra duty and a reprimand.

POLITICAL ACTIVITIES

The Texas Primary is less than a month away. As the presidential primaries get closer, there is a lot of excitement and enthusiasm. For military members and federal civilian employees, it is important for us to know the rules about how we can be involved.

The Federal Government does not take sides in federal, state or local elections. As military members and federal civilian employees, we are required to follow certain ethical rules to avoid the appearance that the Federal Government is taking sides in an election. Depending on who you are, these rules can vary. The following are some questions and answers that might be helpful to you for this upcoming election year:

Can I attend a political rally? Yes. Off-duty and not in uniform, both military members and federal civilian employees* can attend partisan and non-partisan political meetings, debates, conventions or activities. Both groups are free to join political clubs. However, military members should limit their role to being a spectator or attendee. Federal civilian employees may more actively participate in these events.

Can I talk about politics with friends and express my personal opinion? Yes. However, ensure that the listener understands that these are your personal views and not that of the Department of Defense or Federal Government. Military members may not speak at partisan events or to the media as an advocate for or against a partisan political party, candidate, or cause.

Can I work for a campaign phone bank off-duty and not in uniform? Military members may not campaign for a partisan candidate, engage in partisan fundraising activities, serve as an officer of a partisan club or speak before a partisan gathering. However, federal civilian employees may volunteer with a political campaign or organization including organizing political rallies and meetings, making phone calls on behalf of a candidate, and serving as a delegate to a party convention. Neither federal civilian employees nor military members can solicit or receive political contributions.

Military Justice POCs

JBSA Lackland (671-2007)

Capt Chris Porter (Courts)
Capt Matthew Blyth (NJP)
Karen Dreitzler

JBSA Fort Sam Houston (221-2032)

Capt Enisa Dervisevic
TSgt Andrea Simmonds

JBSA Randolph (652-9673)

Capt Eliot Peace
SSgt Nelly Hensley

After Hours On-Call JAG

JBSA Lackland - 210-288-7379

JBSA Fort Sam - 210-317-8738

JBSA Randolph - 210-275-2453

* Not SES or Political Appointees

AFI 1-1.2.2.1 Air Force Standards

Professional Relationships

Professional relationships are those interpersonal relationships consistent with the Air Force core values: *Integrity First, Service Before Self, and Excellence In All We Do*. They occur and can be developed face-to-face, by telephone, or by social media such as e-mail, blogs, and websites. Appropriate professional relationships with all Air Force personnel are vital to the effective operation of the Air Force and to maintain good order and discipline. Professional relationships among your subordinates, co-workers, and superiors must be maintained at all times, regardless of the forum in which they occur. The mere fact that maintaining professional relationships may be more difficult under certain circumstances does not relieve you from the responsibility to maintain Air Force standards. Guidance on Professional and Unprofessional Relationships can be found at AFI 36-2909. (1 May 1999).

Professional Relationships - The Air Force encourages personnel to communicate freely with their superiors regarding their careers, performance, duties and missions.

Unprofessional Relationships - Relationships are unprofessional, whether pursued on or off-duty, when they detract from the authority of superiors or result in, or reasonably create the appearance of, favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests.

Airmen are ALWAYS on parade!

Whether you are an A1C visiting friends in the dorm, a Captain on the flight line, or in civilian clothes celebrating a friend's birthday off-base, as a member of the Air Force you are responsible for your behavior and actions towards other members at all times. The key is to carry yourself professionally and interact with others, respectfully and thoughtfully at all times. As an Airman we must own our actions 24/7!

Article 93, UCMJ Cruelty, Oppression, or Maltreatment of Subordinates

Article 93 of the Uniform Code of Military Justice applies to **ALL** Airmen. Consistent with AFI 1-1, para. 2.2.1, regarding Air Force Standards and Professional Relationships, Congress wrote and passed Article 93 in order to reinforce the importance of Good Order and Discipline amongst Airmen in the workplace and to criminalize behavior between supervisors and subordinates that falls outside of regulations.

Article 93 reads as follows:

“Any person subject to this chapter who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.”

Subject to the Orders Of - Includes persons under the direct or immediate command of the accused and all persons who by reason of some duty are required to obey the lawful orders of the accused, even if those persons are not in the accused's direct chain of command.

Cruel, Oppressed, Maltreated - Refers to treatment, that, when viewed objectively under all the circumstances, is abusive or otherwise unwarranted, unjustified, and unnecessary for any lawful purpose and that results in physical or mental harm or suffering, or reasonably could have caused, physical or mental harm or suffering.

Inappropriate is Inappropriate

Article 93 is broad-sweeping and can impact any member who is subject to the order of another. During the course of the duty day, members often shift from being subordinate to supervisor and back to subordinate multiple times. While it's important for Airmen to perform their duties effectively, it is also important to remember that every member must be treated with respect by co-workers and supervisors.

COURTS-MARTIAL AT JBSA IN JANUARY 2016

US v. SrA T. Mitchell, 383d Training Squadron, JBSA-Fort Sam Houston, Texas, was tried by a general court-martial that began on 4 January 2016 at JBSA-Randolph, Texas. SrA Mitchell pled and was found not guilty on two specifications of sexual assault in violation of Article 120, UCMJ.

SrA L. Charles, 59th Medical Support Squadron, JBSA-Lackland, Texas, was tried by a general court-martial that began on 25 January 16 at JBSA-Randolph, Texas. SrA Charles pled and was found not guilty on three specifications of sexual assault in violation of Article 120, UCMJ.

After sentencing, members can request clemency. In some cases, this can change the outcome of their case and/or sentence to something less severe. Acquittals are final results. All courts-martial are open to the public. Visit our USAF Public Docket website at <http://www.afjag.af.mil/docket/index.asp>.