



# CRIME AND PUNISHMENT

VOLUME II, ISSUE 5

MAY 2017

## NONJUDICIAL PUNISHMENT

### ARTICLE 15 ACTIONS

During the month of April 2017, JBSA Commanders administered 26 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 last six months unless a lesser amount is specified. The following are some of the NJP actions that closed out during the month of April.

**Drunken Driving:** A Senior Airman drove a vehicle while intoxicated. The member received a reduction to Airman First Class and a reprimand.

**Wrongful Use of Marijuana:** A Senior Airman wrongfully used marijuana. The member received a reduction to Airman First Class, forfeitures of \$1,062.00 pay (suspended), and a reprimand.

**Solicitation of a Prostitute:** An Airman First Class was caught soliciting a prostitute. The member received a reduction to Airman (suspended), forfeitures of \$896.00 pay per month for two months, and a reprimand.

**Underage Drinking:** An Airman First Class in technical training consumed alcohol while under the age of 21. The member received a reduction to Airman, forfeitures of \$896.00 pay per month for two months (suspended), 7 days extra duty, 7 days restriction to base and a reprimand.

**Larceny:** An Airman First Class in technical training stole make-up from the Base Exchange. The member received forfeitures of \$799.00 pay per month for two months (one month suspended), 15 days extra duty, 30 days restriction to base, and a reprimand.

**False Official Statement:** A Staff Sergeant lied to supervision about the status of his progress on his CCAF degree. The member received a reduction to Senior Airman (suspended), forfeitures of \$1,000.00 pay, and a reprimand.

**Drunk & Disorderly:** An Airman First Class in technical training urinated in a dormitory hallway while intoxicated. The member received a reduction to Airman (suspended), forfeitures of \$418.00 pay, and a reprimand.

**Battery:** An Airman First Class in technical training struck another Airman in the face. The member received forfeitures of \$300.00 pay, 20 days restriction to base, and a reprimand.

### Military Justice POCs

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

(671-2007)

*Capt Rob Waldrup (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*

# Military Protective Orders

Military Protective Orders (MPOs) are no contact orders issued for the purpose of preventing spousal/child/or intimate partner abuse. MPOs are issued by a commander when the commander deems it reasonably necessary in order to protect a third party from physical harm or to prevent a UCMJ violation.

## Scope:

- May limit communication and physical interactions between a military member over whom the commander exercises authority and a third party.
- Limitations may include, but are not limited to:
  - Direction to refrain from contacting, harassing, or touching certain named persons
  - Direction to remain away from specific areas, such as homes, schools, and public facilities
  - Direction to do, or refrain from doing, certain acts or activities
- **MAY NOT** preclude the defense counsel of a member from contacting a potential witness as part of counsel's investigation in a pending case

## Form:

- Should be in writing (DD Form 2873) with receipt confirmed in writing by the member
- Oral orders should only be issued in emergencies and later placed in writing as soon as possible

## Entrance into National Crime Information

**Center (NCIC):** IAW JBSA OPORD 16-014, JBSA Commanders must submit all MPOs to SFS within 24 hours of issuance, for entrance into NCIC (a national database).

## Relationship of MPOs to Civilian Restraining Orders:

- MPOs can be issued in conjunction with, or in addition to Civilian Protective Orders (CPO) issued by civilian courts. They each have their own independent source of authority.
- By federal law, civilian court-issued restraining orders dealing with domestic violence incidents "shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order." 10 U.S.C. 1561(a)
- A commander may issue an MPO with terms that are **more restrictive** than those in a related CPO
- Violations of CPOs are enforceable in the civilian court which issued the order. If the civilian court takes no action to punish violations of the order, the military could pursue administrative or disciplinary action. Before doing so, **ALWAYS** consult your SJA.

**Enforceability:** Depending upon the circumstances, violation of a MPO is enforceable via Article 90, UCMJ—Willfully Disobeying a Superior Commissioned Officer; or Article 92, UCMJ—Failure to Obey Order or Regulation

## COURTS-MARTIAL AT JBSA IN APRIL 2017

There were no courts-martial that closed out through sentencing during the month of April 2017.

All courts-martial are open to the public and a list of upcoming courts-martial can be found at the United States Air Force Judge Advocate Generals website:

<http://www.afjag.af.mil/About-Us/Docket>