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Headquarters, United States Army
Training and Doctrine Command
Fort Eustis, Virginia 23604-5700

*TRADOC Regulation 27-2

22 March 2016

Legal Services

**MILITARY JUSTICE JURISDICTION, CIVILIAN CRIMINAL JURISDICTION ON
FORT EUSTIS, AND DESIGNATION OF SUPERIOR COMPETENT AUTHORITIES**

OFFICIAL:

DAVID G. PERKINS
General, U.S. Army
Commanding



RICHARD A. DAVIS
Senior Executive
Deputy Chief of Staff, G-6

History. This publication is a rapid action revision. The portions affected by this rapid action revision are listed in the summary of change.

Summary. This regulation designates the superior competent authorities within United States Army Training and Doctrine Command (TRADOC) for actions including but not limited to military justice matters, administrative boards, relief reports, investigations, commander's inquiries, separation actions, memorandums of reprimand, Army Military Human Resource Record decisions, appeals of evaluation reports, release from active duty decisions, and financial liability investigation of property loss appeals. This regulation also defines policies and procedures for the effective administration of military justice over personnel assigned or attached to Headquarters, TRADOC, as well as civilian criminal jurisdiction on Fort Eustis, VA.

Applicability. This regulation applies to all TRADOC centers, schools, and activities unless otherwise designated.

Proponent and exception authority. The proponent of this regulation is the TRADOC Staff Judge Advocate (SJA). The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority in writing, to a division chief with the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through higher headquarters to the policy proponent. Activities may request a

*The regulation supersedes TRADOC Regulation 27-2, 14 July 2006, and TRADOC Regulation 27-3, dated November 16, 2007.

waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal advisor.

Supplementation. Supplementation is authorized after prior approval. Send one copy of the proposed supplement to Commander, TRADOC, 950 Jefferson Avenue, ATTN: ATJA, Fort Eustis, VA 23604-5700.

Suggested improvements. Users may send comments and suggested improvements on Department of the Army Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commander, TRADOC, 950 Jefferson Avenue, ATTN: ATJA, Fort Eustis, VA 23604-5700. Suggested improvements may also be submitted using Department of the Army Form 1045 (Army Ideas for Excellence Program (AIEP) Proposal).

Distribution. This publication is available only on the TRADOC website at <http://www.tradoc.army.mil/tpubs>

Summary of Change

TRADOC Regulation 27-2

Military Justice Jurisdiction, Civilian Criminal Jurisdiction on Fort Eustis, and Designation of Superior Competent Authorities

This rapid action revision, dated 22 March 2016-

- o Aligns Training and Doctrine Command General Courts-Martial Convening Authority under the proper superior competent authorities in light of the recent base realignment and closure measures (para 2-2).
- o Delegates authority to superior competent authorities to provide the required review of an officer's relief for cause evaluation report, in cases where a Training and Doctrine Command General Courts-Martial Convening Authority directs an officer's relief (para 2-2e).
- o Headquarters, Training and Doctrine Command's physical movement from Fort Monroe, VA, to Fort Eustis, VA, is reflected in the changes to this regulation.
- o Designates the Commander, Combined Arms Support Command, as authority for military justice and administrative actions for personnel assigned/attached to 128th Aviation Brigade, Army Support Activity, Training and Doctrine Command Band, Training and Doctrine Command Special Troops Battalion, Headquarters and Headquarters Company, Training and Doctrine Command, and 221st Military Police Detachment (para 2-1).
- o Designates the Senior Commander - Army Element, Joint Base Langley-Eustis, as the Special Courts-Martial Convening Authority for personnel assigned/attached to Training and Doctrine Command Special Troops Battalion (para 2-1).

- o Clarifies that Joint Base Langley-Eustis Soldiers not otherwise assigned/attached to units designated in this regulation are attached to Headquarters and Headquarters Company, Training and Doctrine Command, for purposes of Uniform Code of Military Justice and adverse administrative actions (para 2-1d).

- o Designates General Courts-Martial Convening Authority and superior competent authorities for Training and Doctrine Command organizations and activities that are tenant organizations on non-Training and Doctrine Command installations (para 2-2).

- o Incorporates and updates civilian criminal jurisdiction procedures from Training and Doctrine Command Regulation 27-3 (rescinded)

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Chapter 1 Introduction

1-1. Purpose. This regulation defines military justice jurisdiction over personnel assigned or attached to Headquarters, United States Army Training and Doctrine Command (TRADOC). This regulation also describes procedures for administering nonjudicial punishment on Fort Eustis; describes the method for filing administrative reprimands by general officers; defines policies and procedures for the administration of civilian criminal jurisdiction on Fort Eustis; and designates the superior competent authorities within TRADOC centers, schools, and activities for Uniform Code of Military Justice (UCMJ) and administrative actions. The intent of creating intermediate commands is to streamline and resolve those actions not requiring the personal attention of the Commander, TRADOC, and allow them to be resolved by an intermediate commander.

1-2. References. Required and related publications are listed in appendix A.

1-3. Explanation of abbreviations and terms. Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities.

a. Commanders of TRADOC centers, schools, and activities will ensure that matters covered by this regulation are forwarded to the appropriate authorities.

b. The Office of the Staff Judge Advocate (OSJA), TRADOC, is responsible for coordinating with the Office of the Command Judge Advocate (CJA), Fort Eustis, and/or the OSJA, U.S. Army Combined Arms Support Command (CASCOM), on military justice actions requiring action by the Commander, CASCOM, as appropriate.

1-5. Reporting. Staff Judge Advocates of subordinate TRADOC installations, commands, or direct reporting units are required to inform the OSJA, TRADOC of incidents that occur within their supported installation or command population that meet the criteria as required by the High-Profile Incident Reporting guidelines.

Chapter 2 Superior Competent Authorities

2-1. General.

a. This chapter designates the Commander, Combined Arms Center (CAC), and Commander, CASCOM, as superior competent authorities. The Commander, CAC or CASCOM, may act as the first level of authority above a subordinate TRADOC commander for UCMJ and administrative purposes, as outlined in paragraph 2-2 below. Superior competent authorities act as the next higher level of authority and serve as an appellate authority for their respective subordinate installations and activities for actions including but not limited to boards,

investigations, financial liability of property loss appeals, commander's inquiries, separation actions, memorandums of reprimand, Army Military Human Resource Record decisions, evaluation report appeals, and release from active duty decisions.

b. Commander, TRADOC, delegates to the Commander, CASCOM, General Courts-Martial Convening Authority over all personnel assigned or attached to the 128th Aviation Brigade; Army support activity, Joint Base Langley-Eustis (JBLE); TRADOC Band; TRADOC Special Troops Battalion¹ (STB); Headquarters and Headquarters Company (HHC), TRADOC; Air Land Sea Applications Center (W1BT06) (ALSAC); and 221st Military Police (MP) Detachment.

(1) The Commander, CASCOM, is also delegated the authority for the general administration of military justice and administrative matters or actions, to include but not be limited to the administrative actions listed in para. 2-1a above, over all personnel who are assigned or attached to the 128th Aviation Brigade; Army support activity, JBLE; TRADOC Band; TRADOC STB; HHC, TRADOC; ALSAC; and 221st MP Detachment.

(2) Notwithstanding any other provision in this regulation, Commander, TRADOC, withholds from subordinate commanders and staff leaders, the authority to exercise administrative reprimands, admonitions, and nonjudicial punishment over all officers assigned to HHC, TRADOC. General officers may request authority to take action against an officer assigned to HHC, TRADOC, for misconduct by submitting a memorandum to the Commander, TRADOC, describing the reasons why an exception should be granted. The memorandum shall be staffed through the Staff Judge Advocate (SJA), TRADOC, for coordination.

c. The Senior Commander - Army Element, JBLE, is the Special Courts-Martial Convening Authority for all U.S. Army personnel who are assigned or attached to TRADOC STB, which includes HHC, TRADOC; TRADOC Band; ALSAC; and the 221st MP Detachment.

d. Any individual U.S. Army Soldiers and/or units or activities stationed on JBLE who are not under the UCMJ jurisdiction of another General Court-Martial Convening Authority (GCMCA) and are not assigned or attached to any of the units listed in paragraphs 2-1b or 2-1c above, are attached to HHC, TRADOC, for purposes of UCMJ and adverse administrative actions and fall under the jurisdictional structure of HHC, TRADOC.

e. Nothing in this regulation prohibits coordination between intermediate commands and the Army Command headquarters through command or staff channels or creates any right of review or action by any level of command that does not already exist. A superior competent authority may act on any matter referred by a subordinate commander, assign actions referred by subordinate commanders to an aligned TRADOC GCMCA, or request that another superior competent authority act on the matter. If all TRADOC superior competent authorities are unable to act on a matter, the referred matter will be accomplished by the Commander, TRADOC, or his

¹ Effective 1 October 2015, the STB (P) transitioned from provisional status to permanent status in accordance with Memorandum, DCoS G-3/5/7, DAMO-FMP, 17 July 2014, subject: Command Implementation Plan (CIP) for the Transition of U.S. Army Training and Doctrine Command (TRADOC) Special Troops Battalion (STB) from Provisional (P) to Permanent Status.

or her designated representative. The Commander, TRADOC retains the right to exercise General Courts-Martial Convening Authority in any matter he or she deems appropriate.

2-2. Alignment of United States Army Training and Doctrine Command (TRADOC) General Court-Martial Convening Authorities (GCMCAs) under Superior Competent Authorities – Uniform Code of Military Justice (UCMJ) and other administrative actions.

a. Administrative actions and UCMJ. The alignment of TRADOC GCMCAs under superior competent authorities is for the efficiency of military justice and administrative actions. A superior competent authority may withhold jurisdiction from a subordinate commander or assign matters referred by subordinate commanders to an aligned TRADOC GCMCA. A TRADOC GCMCA, unable to adjudicate a case or action (including complaints made under Article 138, UCMJ) involving personnel assigned or attached to a TRADOC center, school, or activity, will refer the action to a superior competent authority (see figure 2-1). That superior competent authority may refer, assign, or act on that matter. If the superior competent authority determines that they are unable to act, refer, or assign a matter within their aligned GCMCAs, they may then request that another superior competent authority or the Commander, TRADOC, take up that matter. Nothing precludes the Commander, TRADOC, from exercising GCMCA in appropriate cases.

<u>Combined Arms Center (CAC) Fort Leavenworth</u>	<u>Combined Arms Support Command (CASCOM) (Fort Lee)</u>
U.S. Army Aviation Center of Excellence and Fort Rucker, AL	U.S. Army Cadet Command and Fort Knox, KY
U.S. Army Intelligence Center of Excellence and Fort Huachuca, AZ	U.S. Army Recruiting Command, Fort Knox, KY
U.S. Army Maneuver Center of Excellence and Fort Benning, GA	U.S. Army Training Center and Fort Jackson, SC
U.S. Army Signal Center of Excellence and Fort Gordon, GA	Center for Initial Military Training, Fort Eustis, VA
U.S. Army Maneuver Support Center of Excellence and Fort Leonard Wood, MO	Army personnel at the Naval Explosive Ordnance Disposal School, Eglin AFB, FL
U.S. Army Fires Center of Excellence and Fort Sill, OK	
Defense Language Institute Foreign Language Center, Presidio of Monterey, CA	
TRADOC Analysis Center, Fort Leavenworth, KS	

Figure 2-1. Superior Competent Authority alignment for TRADOC centers, schools, and activities by installation location.

b. Memorandums of Agreement (MOAs) and Attachment Orders. MOAs provide timely military justice and promote the efficiency of the service. MOAs may be established with local GCMCAs for TRADOC assets or organizations that are not geographically aligned or attached

with other TRADOC assets. For example, TRADOC and Fort Bliss entered into an MOA which provided the United States Army Sergeants Major Academy, a TRADOC asset located on Fort Bliss, a swift and effective method to administer UCMJ actions. An element of the MOA should be the Attachment Orders that place TRADOC assets and personnel, under a unit, installation, or activity for courts-martial jurisdiction and for the general administration of military justice.

c. Nonjudicial punishment.

(1) TRADOC GCMCAs may impose punishment under Article 15, UCMJ, to personnel assigned or attached to an aligned TRADOC center, school, or activity under their command or jurisdiction. The respective superior competent authority will act as the appeal authority (see figure 2-1). In cases where there is no other appeal authority or the appeal authority is unable to act on the matter, the appeal authority will be the Commander, TRADOC, or his or her designated representative. The Commander, TRADOC, withholds from subordinate commanders and staff leaders, the authority to exercise administrative reprimands, admonitions, and nonjudicial punishment over all officers assigned to HHC, TRADOC. General officers may request authority to take action against an officer assigned to HHC, TRADOC, for misconduct by submitting a memorandum to the Commander, TRADOC, describing the reasons why an exception should be granted. The memorandum shall be staffed through the SJA, TRADOC, for coordination.

(2) The Commander, TRADOC, has made arrangements for those TRADOC organizations and activities that are tenant organizations on a non-TRADOC installation as set forth in figure 2-2

<u>Non-TRADOC GCMCA/SCA</u>	<u>TRADOC Organization/Activity</u>
Commander, Military District of Washington, Fort McNair, Washington, DC	Asymmetric Warfare Group, Fort Meade, MD
Commander, 1st Armored Division and Fort Bliss, Fort Bliss, TX	Sergeants Major Academy, Fort Bliss, TX Brigade Modernization Command, Fort Bliss, TX
Commander, Fort Belvoir, VA	Army Aeronautical Services Agency, Fort Belvoir, VA Rapid Equipping Force, Fort Belvoir, VA

Figure 2-2. Alignment of non-TRADOC GCMCAs/SCAs for TRADOC installations/activities on non-TRADOC installations.

d. Administrative boards. When a General Officer Show Cause Authority (GOSCA) of a TRADOC center, school, or activity is disqualified from appointing a board of inquiry in accordance with Army Regulation (AR) 600-8-24, or convening an administrative separation board in accordance with AR 635-200, the commander shall forward the case directly to a superior competent authority. The superior competent authority may refer the matter to an aligned TRADOC GOSCA in cases that do not require the personal action of the superior commander or request that another superior competent authority act as the GOSCA, as outlined in figure 2-1.

e. Relief reports. When a superior competent authority or senior commander loses confidence in a subordinate commander's ability to command due to misconduct, poor judgment, the subordinate's inability to complete assigned duties, or for other similar reasons, the senior commander has the authority to relieve the subordinate commander. A relief for cause case report will be generated in accordance with AR 600-20. Although any commander may temporarily suspend a subordinate from command, final action to relieve an officer from any command position will not be taken until after written approval is obtained from the first general officer in the chain of command of the officer being relieved. If a general officer is the relieving official, no further approval of the relief action is required. A relief for cause report will be generated upon the relief of the officer in accordance with AR 623-3. If the relief is directed by the rater or intermediate rater, the senior rater will perform the review. When the rater or senior rater is unable to act on the relief for cause report, the first officer in the chain of command or supervisor above the individual directing the relief will review the report. In cases where a TRADOC GCMCA directs relief of an officer but is unable to act on the matter, the matter will be referred to their superior competent authority. The superior competent authority may reassign matters referred by the subordinate commander to an aligned TRADOC GCMCA or another superior competent authority. In cases where another superior competent authority is unable to act on the matter, the matter will be referred to the Commander, TRADOC, who will provide the required review of the officer relief for cause evaluation report.

f. Investigations. In cases where a TRADOC GCMCA is disqualified from appointing an investigation or board in accordance with AR 15-6 for conduct involving assigned or attached personnel, the GCMCA shall forward the case directly to the superior competent authority (see fig 2-1). The superior competent authority may refer the matter to an aligned TRADOC GCMCA or request that another superior competent authority act as the appointing authority in cases that do not require the personal action of the superior commander.

g. Financial liability investigation of property loss (FLIPL). The appeal authority for a FLIPL will be the appropriate superior competent authority. When a superior competent authority is unable to act as the appeal authority, they may assign the FLIPL to an aligned TRADOC GCMCA or request that another superior competent authority act as the appeal authority, as outlined in figure 2-1. The Commander, TRADOC, or his or her designated representative, will act as the appeal authority when all other superior competent authorities cannot or are unable to act as the appeal authority.

h. Administrative Reprimands and Admonitions

(1) Pursuant to AR 600-37, administrative reprimands may be filed in a Soldier's Army Military Human Resource Record only upon the order of a general officer senior to the recipient or by the direction of an officer having general courts-martial jurisdiction over the individual.

(2) The Commander, TRADOC, withholds from subordinate commanders and staff leaders the authority to exercise administrative reprimand and admonition over all officers assigned to HHC, TRADOC. General officers may request authority to take action against an officer for misconduct by submitting a memorandum to the Commander, TRADOC, describing

the reasons why an exception should be granted. The memorandum shall be sent through the SJA, TRADOC, for coordination.

(3) If the Commander, TRADOC, has granted an exception to policy, the directorate general officer will make the filing decision for members of their office, directorate, or command. The Deputy Commanding General (DCG)/Chief of Staff will make the filing determination for all HHC, TRADOC personnel assigned to special or personal staff sections that do not have a general officer as head of the directorate.

i. Other. Any action not specifically detailed in this regulation should be administered in the spirit of this regulation. Other administrative actions that require action by the Army Command commander will be forwarded to the Commander, TRADOC.

Chapter 3

Civilian Criminal Jurisdiction on Fort Eustis

3-1. Exclusive and concurrent jurisdiction. Fort Eustis is governed by exclusive and concurrent Federal jurisdiction.

a. Exclusive jurisdiction. A Special Assistant United States Attorney (SAUSA) assigned to the CJA Office, Fort Eustis, prosecutes criminal acts involving civilians occurring within the exclusive federal jurisdiction of Fort Eustis.

b. Concurrent jurisdiction. The City of Newport News Commonwealth's Attorney may prosecute criminal acts involving civilians occurring in areas under concurrent federal and local jurisdiction. These cases are normally prosecuted by the Fort Eustis SAUSA, under the direction of the CJA and United States Attorney's Office. In the event that the City of Newport News Commonwealth's Attorney seeks to prosecute a case involving TRADOC civilian personnel, the OSJA, TRADOC, will coordinate with the CJA, Fort Eustis, and United States Attorney's Office, as appropriate. In such cases, the CJA, Fort Eustis, and the United States Attorney's Office will normally negotiate with the Commonwealth's Attorney to determine which sovereign will exercise jurisdiction.

3-2 Juveniles. The CJA, Fort Eustis, is responsible for the management and supervision of juvenile prosecutions and dispositions on Fort Eustis. Juvenile offenders are normally handled administratively through the Fort Eustis Juvenile Review Board under the direction of the Fort Eustis Garrison Commander. In cases which are inappropriate for the Juvenile Review Board, the United States Attorney's Office may issue a waiver of jurisdiction and the Fort Eustis SAUSA may refer the matter to the City of Newport News Commonwealth's Attorney for action pursuant to a memorandum of understanding provided that the Commonwealth has jurisdiction.

Appendix A
References

Section I
Required Publications

AR 15-6
Procedures for Investigating Officers and Boards of Officers

AR 27-10
Military Justice

AR 600-8-24
Officer Transfers and Discharges

AR 600-20
Army Command Policy

AR 623-3
Evaluation Reporting System

AR 623-105
Officer Evaluation Reporting System

AR 635-200
Active Duty Enlisted Administrative Separations

AR 735-5
Property Accountability Policies

Manual for Courts-Martial

Article 15, Uniform Code of Military Justice

Section II
Related Publications

AR 600-37 Unfavorable Information

TRADOC 10 Series Regulations

Glossary

AFB	Air Force Base
ALSAC	Air Land Sea Applications Center (W1BT06)
AR	Army Regulation
CAC	Combined Arms Center
CASCOM	Combined Arms Support Command
CJA	Command Judge Advocate
FLIPL	Financial Liability Investigation of Property Loss
GCMCA	General Court-Martial Convening Authority
GOSCA	General Officer Show Cause Authority
HHC	Headquarters and Headquarters Company
JBLE	Joint Base Langley-Eustis
MOA	Memorandum of Agreement
MP	Military Police
OSJA	Office of the Staff Judge Advocate
SAUSA	Special Assistant United States Attorney
SJA	Staff Judge Advocate
STB	Special Troops Battalion
TRADOC	United States Army Training and Doctrine Command
UCMJ	Uniform Code of Military Justice