DEPARTMENT OF THE ARMY
HEADQUARTERS, V CORPS
UNIT 29355
APO AE 09014

REPLY TO
ATTENTION OF

Policy Memorandum # 12

AETV-CG

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Fair and Prompt Administration of Military Justice

1. The military justice system maintains law, order, and discipline and reinforces soldiers' faith in the Army. Its hallmarks are integrity, fair play, and openness. It protects, as well as punishes. The fair, efficient administration of justice requires that soldiers who are suspected or accused of misconduct receive individual consideration. Commanders, witnesses, and all who affect the disposition of charges must act honestly, independently, and free of unlawful command influence.

2. The commitment to fair justice includes the goal of prompt but careful resolution of allegations of misconduct. Commanders should exercise their best judgment in resolving allegations as soon as they have sufficient evidence to act. They must not be inflexible nor may they direct subordinates to exercise discretion in any particular way. Commanders may withhold jurisdiction from subordinates over a particular case or category of cases. Jurisdiction should be withheld only after consulting with the Staff Judge Advocate. Commanders should also consult the Staff Judge Advocate before imposing any pretrial restraint on liberty. Restraints on liberty or other pre-trial actions will not be used to punish an accused before trial.

3. Soldiers and commanders must not offer opinions as to guilt prior to trial, intimidate or discourage witnesses from testifying, or attempt to influence a witness's testimony. Although the results of trial are public and may be discussed within the military community, commanders should avoid comment, lest they unintentionally, but improperly, influence future cases. No soldier should discuss a particular case with a court-martial member before, during, or after trial.

4. All soldiers are responsible for the fair and efficient administration of justice and protection of the rights of their fellow soldiers.

JAMES C. RILEY
Lieutenant General, USA
Commanding

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