



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 2D INFANTRY DIVISION/ROK-US COMBINED DIVISION  
UNIT #15041  
APO AP 96258-5041

APR 27 2016

EAID-CG

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: 2d Infantry Division Command Policy Letter #10-2, Limitation on Exercise of Uniform Code of Military Justice (UCMJ) Authority

1. This policy supersedes 2d Infantry Division (2ID) Command Policy Letter #10-2, Limitation on Exercise of Uniform Code of Military Justice (UCMJ) Authority dtd 28 May 15, and any other 2ID policy letter or order on this subject.
2. References.
  - a. Manual for Courts-Martial, 2012 edition.
  - b. US/Republic of Korea (ROK) Status of Forces Agreement, dtd 9 Feb 67, as amended.
  - c. Army in Korea Regulation 27-10, Military Justice, dtd 16 Mar 12.
3. I withhold from subordinate commanders the authority to dispose of allegations of misconduct involving Officers, Warrant Officers, Sergeants Major, First Sergeants, Master Sergeants, any Soldier who resists apprehension by military law enforcement, and any Soldier involved in an assault of a foreign national.
  - a. Pursuant to this reservation of authority, brigade level commanders will immediately notify me, through the Division Chief of Staff, of any allegations of misconduct involving Officers, Warrant Officers, Sergeants Major, First Sergeants, Master Sergeants, any Soldier who resists apprehension by military law enforcement, and any Soldier involved in an assault of a foreign national.
  - b. Concurrent with notification of the Chief of Staff, the brigade commander will ensure that a thorough inquiry is completed, documented, and forwarded to me through the Staff Judge Advocate. I will then determine which cases I will dispose of personally. Cases within the investigative jurisdiction of Criminal Investigation Command (CID) or Military Police Investigations (MPI) will be investigated in accordance with policies and procedures of the respective organizations, but subordinate commanders must notify the Chief of Staff when such investigations are being conducted on Soldiers who fall under this policy.

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4. Procedure.

a. In cases where the ROK has primary jurisdiction under the SOFA, brigade commanders will notify me through the Chief of Staff, and the matter will be disposed of in accordance with the procedures under the SOFA. I continue to withhold authority for matters under U.S. jurisdiction in accordance with this policy.

b. Leaders at all levels are expected and required by law to provide their honest and independent recommendations on how misconduct should be addressed. Nothing in this policy should be interpreted to indicate that allegations must be disposed of in a particular manner, that predetermined types or amounts of punishment are appropriate, or that adverse action is required in all cases or any type of case.

c. A subordinate commander may request that a specific case be returned to that commander for appropriate action. Each such request will be considered and the decision whether to return the action will be made by the appropriate commander or me, on a case by case basis.

d. Nothing in this policy letter precludes a subordinate commander from preferring court-martial charges under the UCMJ and then forwarding the charges to me, with recommendations, for appropriate disposition.

e. Upon notification of misconduct, subordinate commanders may, as appropriate, impose temporary remedial administrative action (e.g., suspension of off-post pass privileges, suspension of leadership position, etc.) pending my determination on final disposition.

5. This policy is effective immediately and applies to any pending or future case. It will remain in effect until formally rescinded.

6. Questions regarding this policy should be directed to the 2ID Chief of Military Justice at DSN 730-1288.

  
THEODORE D. MARTIN  
Major General, USA  
Commanding

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