

## **Task: Enforce the Uniform Code of Military Justice (UCMJ)**

**Number: 181-101-2023**

**Effective Date: 2000-May-11**

**Enlisted MOS:  
COM Skill Level 2**

**STP:  
STP 21-24-SMCT**

**Conditions:** You are a Noncommissioned Officer (NCO) in a leadership position in the U.S. Army. You are responsible for understanding that disciplinary action against a soldier for misconduct is a Command responsibility. You are responsible for understanding the military justice system, including the Uniform Code of Military Justice (UCMJ) and disciplinary options available to a Commander. You are responsible for identifying potential violations of the UCMJ and expeditiously reporting them to the appropriate authorities for investigation and processing.

**Standards:** Understand that disciplinary action against a soldier for misconduct is a Command responsibility. Understand the military justice system, including the Uniform Code of Military Justice (UCMJ) and the disciplinary options available to a Commander. Identify potential violations of the UCMJ and expeditiously report them to the appropriate authorities for investigation and processing.

### **Performance Steps**

1. Describe how disciplinary action against a soldier is a Command responsibility.
2. Identify who has authority to take disciplinary action against a soldier for misconduct.
3. Describe a soldier's responsibility to identify potential or actual violations of the Uniform Code of Military Justice (UCMJ) and expeditiously report these violations to the appropriate authorities for investigation and processing.
4. Describe a Commander's responsibility to conduct a preliminary investigation into misconduct allegedly committed by a soldier under his/her command.
  - a. Describe the basis and procedures of a Commander's Inquiry.
  - b. Describe the basis and procedures of an AR 15-6 investigation.
  - c. Describe the requirement for the military police or Criminal Investigation Command (CID) to conduct a criminal investigation.
5. List the disciplinary options available to the Commander.
  - a. Describe how a Commander can take no action at all or close a case.
  - b. Describe how a Commander can use administrative or nonpunitive measures.
    - (1) List administrative or nonpunitive disciplinary measures available to a Commander.
    - (2) Describe why a Commander would wish to use nonpunitive or administrative disciplinary measures rather than impose nonjudicial punishment or proceed to court-martial.
    - (3) Describe how a NCO leader may be involved in the imposition of nonpunitive or administrative disciplinary measures, such as counseling or corrective training, to a subordinate soldier.

- c. Describe how a Commander can use nonjudicial punishment.
    - (1) Define nonjudicial punishment.
    - (2) List the different types of nonjudicial punishment.
    - (3) Describe nonjudicial punishment procedures.
    - (4) Describe a soldier's legal rights during nonjudicial punishment procedures.
    - (5) List the maximum punishment available under nonjudicial punishment.
    - (6) Describe a soldier's appellate rights under nonjudicial punishment.
  - d. Describe how a Commander can use judicial punishment.
    - (1) Define judicial punishment.
    - (2) List the different types of court-martial in the military justice system.
    - (3) Describe judicial or court-martial procedures.
    - (4) Describe a soldier's legal rights during judicial or court-martial punishment.
    - (5) List the maximum punishment available under judicial or court-martial punishment.
    - (6) Describe a soldier's appellate rights under judicial or court-martial punishment.
6. List factors a Commander should consider when determining what disciplinary option to pursue.
- a. Describe whether a Commander should consider the character and military service of the accused.
  - b. Describe whether a Commander should consider the nature and circumstances of the offense and the extent of the harm caused.
  - c. Describe whether a Commander should consider the needs of the Service and the probable effect of his/her decision on the command and the military community.
  - d. Describe whether a Commander should consider the disposition of similar offenses in the past and the general disciplinary trends within the command.
  - e. Describe whether a Commander should consider the appropriateness of the authorized punishment to the particular accused and offense.
  - f. Describe whether a Commander should determine whether he/she has jurisdiction over the accused and the offense.
  - g. Describe whether a Commander should consider the availability and admissibility of evidence against the accused.
  - h. Describe whether a Commander should consider the cooperation of the accused in the apprehension or conviction of others.
  - i. Describe whether a Commander should consider the possible improper motives of the accuser.
  - j. Describe whether a Commander should consider that the victim or others are reluctant to testify.
7. Describe the permissibility of a Commander discussing and gaining input from an NCO leader regarding which disciplinary option to pursue against a subordinate soldier within the unit.
8. Describe the authority of an NCO to issue a lawful order to a subordinate soldier.
- a. Describe the duty of a subordinate soldier to follow this order.
  - b. Describe the potential adverse ramifications for a soldier violating this order.
  - c. Describe the elements and maximum punishment available under Article 91, UCMJ.

**Evaluation Preparation:** Setup: Evaluate this task at the end of military justice training.

**Brief Soldier:** Tell the soldier that he or she will be evaluated on his or her ability to understand that disciplinary action against a soldier for misconduct is a Command responsibility. Tell the soldier that he or she will also be evaluated on his or her ability to understand the military justice system, including the Uniform Code of Military Justice (UCMJ); the disciplinary options available to a Commander; and the ability to identify potential violations of the UCMJ and expeditiously report them to the appropriate authorities for investigation and processing.

**Performance Measures**

GO

NO GO

- |  |       |       |
|--|-------|-------|
| 1. Described how disciplinary action against a soldier is a Command responsibility.  | _____ | _____ |
| 2. Identified who has authority to take disciplinary action against a soldier for misconduct.  | _____ | _____ |
| 3. Described a soldier's responsibility to identify potential or actual violations of the Uniform Code of Military Justice (UCMJ) and expeditiously report these violations to the appropriate authorities for investigation and processing.   | _____ | _____ |
| 4. Described a Commander's responsibility to conduct a preliminary investigation into misconduct allegedly committed by a soldier under his/her command.<br>a. Described the basis and procedures of a Commander's Inquiry.<br>b. Described the basis and procedures of an AR 15-6 Investigation.<br>c. Described the requirement for the military police or Criminal Investigation Command (CID) to conduct a criminal investigation.   | _____ | _____ |
| 5. Listed disciplinary options available to the Commander.<br>a. Described how a Commander can take no action at all or close a case.<br>b. Described how a Commander can use administrative or nonpunitive measures.<br>(1) Listed administrative or nonpunitive disciplinary measures available to a Commander.<br>(2) Described why a Commander would wish to use nonpunitive or administrative disciplinary measures rather than impose nonjudicial punishment or proceed to court-martial.<br>(3) Described how a NCO leader may be involved in the imposition of nonpunitive or administrative disciplinary measures, such as counseling or corrective training, to a subordinate soldier.<br>c. Described how a Commander can use nonjudicial punishment.<br>(1) Defined nonjudicial punishment.<br>(2) Listed the different types of nonjudicial punishment.<br>(3) Described nonjudicial punishment procedures.<br>(4) Described a soldier's legal rights during nonjudicial punishment procedures.<br>(5) Listed the maximum punishment available under nonjudicial punishment.<br>(6) Described a soldier's appellate rights under nonjudicial punishment.<br>d. Described how a Commander can use judicial punishment.<br>(1) Defined judicial punishment.<br>(2) Listed the different types of court-martial in the military justice system.<br>(3) Described judicial or court-martial procedures.<br>(4) Described a soldier's legal rights during judicial or court-martial punishment.<br>(5) Listed the maximum punishment available under judicial or court-martial punishment.<br>(6) Described a soldier's appellate rights under judicial or court-martial punishment. | _____ | _____ |

6. Listed factors a Commander should consider when determining what disciplinary option to pursue. \_\_\_\_\_
- a. Described whether a Commander should consider the character and military service of the accused.
  - b. Described whether a Commander should consider the nature and circumstances of the offense and the extent of the harm caused.
  - c. Described whether a Commander should consider the needs of the Service and the probable effect of his/her decision on the command and the military community.
  - d. Described whether a Commander should consider the disposition of similar offenses in the past and the general disciplinary trends within the command.
  - e. Described whether a Commander should consider the appropriateness of the authorized punishment to the particular accused and offense.
  - f. Described whether a Commander should determine whether he/she has jurisdiction over the accused and the offense.
  - g. Described whether a Commander should consider the availability and admissibility of evidence against the accused.
  - h. Described whether a Commander should consider the cooperation of the accused in the apprehension or conviction of others.
  - i. Described whether a Commander should consider the possible improper motives of the accuser.
  - j. Described whether a Commander should consider that the victim or others are reluctant to testify.

7. Described the permissibility of a Commander discussing and gaining input from an NCO leader regarding which disciplinary option to pursue against a subordinate soldier within the unit. \_\_\_\_\_

8. Described the authority of an NCO to issue a lawful order to a subordinate soldier. \_\_\_\_\_
- a. Described the duty of a subordinate soldier to follow this order.
  - b. Described the potential adverse ramifications for a soldier violating this order.
  - c. Described the elements and maximum punishments available under Article 91, UCMJ.

**Evaluation Guidance:** Score the soldier GO if all performance measures are passed. Score the soldier NO GO if any performance measure is failed. If the soldier scores NO GO, show what was done wrong and how to do it correctly.

**References:**

Number	Required	Title
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**Certifications Required: None.**

**Supporting Individual Tasks: None.**

**Supported Drills: None.**