DEPARTMENT OF THE ARMY
HEADQUARTERS, 15TH REGIMENTAL SIGNAL BRIGADE
606 BARNES AVENUE
FORT GORDON GEORGIA 30905-5729

REPLY TO
ATTENTION OF

ATZH-TB

4 September 2012

MEMORANDUM FOR ALL ASSIGNED AND ATTACHED MILITARY AND CIVILIAN PERSONNEL

SUBJECT: Policy Letter #23: Pretrial Restraint

1. References:

a. Article 13, UCMJ, Manual for Courts-Martial, United States (2012 Edition)

b. Rules for Courts-Martial, Rule 304, Pretrial Restraint

c. Policy Letter #22, Proper Treatment of Soldiers Pending UCMJ and Article 13, UCMJ credit, 20 August 2012

2. Pretrial restraint is moral or physical restraint on a person's liberty which is imposed before and during disposition of offenses. Pretrial restraint may consist of conditions on liberty, restriction in lieu of arrest, or confinement.

a. Conditions on liberty – imposed by orders directing a person to do or refrain from doing specified acts. Such conditions may be imposed in conjunction with other forms of restraint or separately.

b. Restriction in lieu of arrest – the restraint of a person by oral or written orders directing the person remain within specified limits. A restricted person shall, unless otherwise directed, perform full military duties while restricted.

c. Arrest – the restraint of a person by oral or written orders directing the person remain within specified limits. A person in the status of arrest may not be required to perform full military duties. The status of arrest automatically ends when the person placed, by authority that ordered the arrest or a superior authority, on duty inconsistent with the status of arrest.

d. Confinement – Pretrial confinement is physical restraint, imposed by order of a competent authority depriving a person of freedom pending disposition of offenses.

3. Unlawful use of any of these pretrial restraint methods could result in Article 13 credit (as referenced in Policy Letter #22).

4. Pretrial restraint should only be used after guidance from the Provost Marshal Office and the Office of the Staff Judge Advocate. This does not limit leaders and commanders from making decisions to keep good order and discipline in their units, but rather, limits the misuse of pretrial restraint.

5. Each unit is responsible for providing adequate support during any procedures of pretrial restraint. The unit will also be responsible for coordinating with sister units if they do not have adequate support.

6. In order to effectively take care of Soldiers, leaders should ensure that they are aware of pretrial restraint procedures. The liability of the procedures not followed correctly will be with the unit responsible.

7. This policy letter is punitive and violations of these provisions may subject offenders to non-judicial or judicial action under the Uniform Code of Military Justice.

8. Point of contact for this memorandum is the Brigade SJA Advisor (706) 791-4421.

STEPHEN A. ELLE
COL, SC
Commanding