



MOUNTAIN POST LEGAL BRIEF

A Preventive Law Service of The Office of the Staff Judge Advocate
Headquarters, Fort Carson
Keeping You Informed On Personal Legal Affairs



SELF-REPORTING CRIMINAL CONVICTIONS

Q: WHO DOES THIS APPLY TO?

A: Pursuant to AR 600-20 paragraph 4-23, all United States Army commissioned officers, warrant officers, and enlisted members above the pay grade of E-6.

Q: WHAT CONSTITUTES A “CONVICTION”?

A: Conviction includes a plea or finding of guilty, a plea of nolo contendere (plea of no contest – plead guilty to the charge(s) without admitting guilt), and all other actions tantamount to a finding of guilty, including adjudication withheld, deferred prosecution, entry into adult or juvenile pretrial intervention programs, and any similar disposition of charges.

Q: HOW MUCH TIME DO I HAVE TO SELF REPORT?

A: Soldiers in the active component will report to their Commander within 15 days of the date the conviction is announced even if the sentence has not been imposed or if the Soldier intends to appeal the conviction. For reserve component Soldiers, they shall report at the first drill period after the date of the conviction is announced or within 30 days of the date the conviction is announced, whichever is earlier.

Q: IN WHAT FORMAT DO I REPORT?

A: The written report will be on a DA Form 4187 or in memorandum format and include: Soldier’s name, rank, unit of assignment, date of offense(s), specified nature of the offense (charged offense(s)), place and date of trial, result of the trial, sentence (if available at the time of conviction), and any other supporting documents.

Q: CAN I SUBMIT STATEMENTS OF MITIGATION OR EXTENUATION WITH THE REPORT?

A: Yes. These statements may be used by the chain of command and the General Court Martial Convening Authority (GCMCA) in determining the filing disposition of the conviction.

Q: WILL FAVORABLE PERSONNEL ACTIONS BE SUSPENDED?

A: Yes. Suspension of personnel actions is mandatory when an investigation (formal or informal) is initiated on a Soldier by military or civilian authorities.

Q: WHAT HAPPENS AFTER I SELF REPORT?

A: The commander will initiate an adverse action flag IAW 600-8-2 then forward the report to the Special Court Martial Convening Authority (SPCMA). After review, the SPCMA will forward the authenticated conviction, sentence, any supporting evidence and statements of extenuation or mitigation to the GCMCA with a recommendation on whether to file the conviction in the Soldier’s official military personnel file in accordance with paragraph 3.3D in AR 600-37.

Q: FOR WHAT PURPOSES MAY MY CONVICTION BE CONSIDERED?

A: Commanders at all levels may consider the conviction for all purposes to include but not limited to, evaluation reports, assignments, selection for schools, awards, initiation of separation, suspension of security clearance, etc.

Q: HOW CAN LEGAL ASSISTANCE HELP ME?

A: The legal assistance office can help draft a mitigation or extenuation memo and request that the conviction be filed locally. If the conviction is filed locally, it will remain there until reassignment to another general court-martial jurisdiction.

Consultation with Army attorneys is free to eligible clients. If you have questions or need help with legal problems, call the Fort Carson Legal Assistance Office at 719-526-5572/5573 or come by the office (building 6222) Monday-Friday from 9 a.m. to 4 p.m. Appointments are made on the last duty day of every week, you can call or walk-in to schedule an appointment.

MOUNTAIN POST LEGAL BRIEF is one of a series of informative handouts from the Fort Carson Legal Assistance Division containing general information on topics that legal assistance attorneys frequently advise on. Information provided is general in nature and does not constitute legal advice. Consult an attorney for specific legal advice for your particular situation. You may schedule a legal assistance appointment by calling the Legal Assistance Division at 719-526-5572.
