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TAG POLICY LETTER 25-12

10 December 2025

SENIOR LEADER MISCONDUCT AND SUBJECT MATTER WITHHOLDING

1. REFERENCES.

- a. Army Regulation (AR) 15-6, "Procedures for Preliminary Inquiries, Administrative Investigations, and Boards of Officers," 22 June 2025.
- b. Department of Air Force Manual (DAFMAN) 1-101, "Commander Directed Investigations," 9 April 2021.
- c. TAG Policy Letter 24-03, "Self-Reporting by All Military Personnel of Arrests and Criminal Convictions," 7 October 2024.
- d. TAG Memorandum 16-03, "Delegation of Administrative Duties and Signature Authority", dated 16 March 2016.

2. APPLICABILITY. This policy is applicable to all Servicemembers of the New Jersey Army and Air National Guard ("NJNG") regardless of rank and status. This policy does not create punitive authority under the Uniform Code of Military Justice ("UCMJ"), but rather establishes internal administrative and command-level control over the investigation and disposition of allegations of misconduct to ensure consistency and accountability.

3. PURPOSE. Commanders have the legal authority to enforce discipline, and the responsibility to ensure that their units are effective and mission capable. Therefore, standards and requirements must be communicated and enforced through appropriate action in strict compliance with applicable laws and regulations. When commanders become aware of issues that may give rise to administrative actions, they must act decisively and expeditiously. To ensure senior-level visibility and consistency across the NJNG, this Policy furnishes guidance and establishes responsibilities related to the investigation of allegations of misconduct and the administration of administrative actions. Commanders shall communicate directly with their servicing Judge Advocate in matters relating to this Policy, and should consult with their senior enlisted advisor regarding matters relating to enlisted Servicemembers.

4. **POLICY.** Effective immediately, and without altering statutory or regulatory authorities reserved to the Adjutant General, I hereby withhold the authority to investigate allegations of misconduct, and dispose of substantiated misconduct as follows:

a. Senior Leader - All allegations of misconduct involving a NJNG Servicemember in the grade of E-8 or above. I delegate this authority to the appropriate service Assistant Adjutant General. This authority may be further delegated by the appropriate service Assistant Adjutant General, on a case-by-case basis.

b. Active Guard Reserve (AGR) - All allegations of misconduct involving NJNG AGR Servicemembers. I delegate this authority to the Chief of Staff – Army for all Army Soldiers, and to the appropriate Wing Commander for all Airmen. The authority to investigate may be further delegated, on a case-by-case basis, but the authority to initiate action for involuntary release from AGR duty cannot be delegated. The final release authority for all AGR personnel, and demotion authority for Air Force AGR personnel IAW DAFI 36-2502, remains with the Adjutant General.

c. Driving Under the Influence of Drugs or Alcohol (DUI) - All allegations of DUI as defined by applicable civilian law, the UCMJ, or other similarly defined offenses. I delegate this authority to the first Brigade, Wing, or equivalent Commander in the Servicemember's chain of command. This authority may not be delegated further.

d. Sexual Assault¹ - All allegations of sexual assault as defined by applicable civilian law or the UCMJ. Additionally, this withholding applies to any alleged collateral misconduct arising from, or relating to, the same incident and / or investigation. I delegate this authority to the first Brigade, Wing, or equivalent Commander in the Servicemember's chain of command. This authority may not be delegated further.

e. Domestic Violence - All allegations of domestic violence as defined by applicable civilian law or the UCMJ. I delegate this authority to the first Brigade, Wing, or equivalent Commander in the Servicemember's chain of command. This authority may not be delegated further.

5. Misconduct includes all "criminal offenses," as defined in Reference (c), or any suspected act which may result in administrative action. Commanders will use their best judgement when determining what to report.

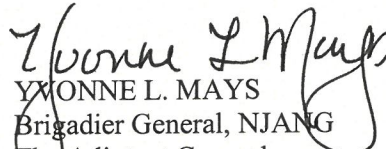
6. Upon suspicion of conduct listed in paragraphs 4(a) – 4(e), the immediate Commander will, within 24 hours, notify the Adjutant General and the appropriate Assistant Adjutant General, through command channels by providing a short summary of the suspected misconduct and a recommended initial course of action (e.g., notify appropriate law enforcement agency, initiate administrative investigation, immediate abatement and safety actions, etc. . . .). E-mail notification is sufficient with a copy to the servicing Office of the Staff Judge Advocate.

7. Subordinate Commanders may take other immediate administrative actions as required, including but not limited to the following: providing victim support, issuing military protective orders, and providing investigative coordination.

¹ Commanders are reminded that sexual assault is a serious crime. All unrestricted reports of sexual assault must be referred to the appropriate military criminal investigative organization or civilian law enforcement organization and the Sexual Assault Response Coordinator. If law enforcement does not investigate, or if further investigation is necessary, the Adjutant General may request the National Guard Bureau's Office of Complex Administrative Investigations to investigate IAW CNGBI 0400.01B.

8. If jurisdiction is delegated or released, subordinate Commanders have the discretion to resolve the allegation as they deem appropriate in accordance with applicable service regulations.

9. The point of contact for this memorandum is the NJNG Office of the Staff Judge Advocate at (609) 562-0941.


YVONNE L. MAYS
Brigadier General, NJANG
The Adjutant General