

Table 5.80.2008

U.S. Army personnel tried in general, special, and summary courts-martial, and discharges approved

By conviction status, United States, fiscal years 1997-2008

Fiscal year	Type of courts-martial									Discharges approved		
	General			Special ^a			Summary			Dishonorable	Dismissal	Bad conduct ^b
	Tried	Convicted	Acquitted	Tried	Convicted	Acquitted	Tried	Convicted	Acquitted			
1997	741	701	40	325	279	46	396	381	15	152	26	546
1998	685	639	46	287	261	26	489	464	25	138	14	554
1999	737	692	45	432	409	23	487	459	28	142	15	614
2000	731	653	78	393	318	75 ^c	666	638	28	123	26	610
2001	770	739	31	357	333	24 ^c	672	645	27	67	11	454
2002	788	757	31	602	582	20	858	793	65	106	19	426
2003	689	657	32	665	651	14	858	812	46	115	16	629
2004	647	628	19	682	668	14	755	711	44	111	18	570
2005	825	777	48	700	680	20	1,252	1,170	82	116	31	563
2006	749	723	26	579	562	17	1,140	1,074	66	142	28	790
2007	809	772	37	635	620	15	1,223	1,128	95	114	22	768
2008	674	631	43	488	473	16	1,252	1,153	99	94	22	749

Note: Courts-martial have exclusive jurisdiction over purely military offenses and non-exclusive jurisdiction over acts or omissions that violate local criminal law, foreign or domestic, for any persons subject to the Uniform Code of Military Justice (UCMJ). The data presented are for violations of the UCMJ, including acts violating civilian criminal codes that were tried by courts-martial. "General courts-martial" consist of a military judge and not less than five members (jurors), or by request of the accused, the case may be heard by a military judge alone. General courts-martial have jurisdiction to try any person subject to the UCMJ and adjudge any punishment authorized in the Rules for Courts-Martial (RCM) including the death penalty. In capital cases, general courts-martial must consist of a military judge and not less than 12 members. "Special courts-martial" consist of not less than three members and also may include a military judge, or by request of the accused, the case may be heard by a military judge alone. Special courts-martial have jurisdiction to try persons for noncapital offenses and adjudge any punishment except death, dishonorable discharge, dismissal, confinement for more than 1 year, hard labor without confinement for more than 3 months, forfeiture of pay exceeding two-thirds pay per month, or forfeiture of pay exceeding 1 year. "Summary courts-martial" consist of one active-duty commissioned officer and the maximum penalty that can be adjudged is confinement for 1 month, hard labor without confinement for 45 days or less, restriction to specified limits for 2 months or less, and forfeiture of two-thirds of 1 month's pay.

A "dishonorable discharge" may be adjudged only by general courts-martial and applies to enlisted persons and noncommissioned warrant officers convicted of offenses usually recognized in civilian jurisdictions as felonies, or offenses of a military nature requiring severe punishment. A "dismissal" may be adjudged only by general courts-martial and applies to commissioned officers, warrant officers, cadets, and midshipmen. A "bad-conduct discharge" (BCD) applies only to enlisted persons and may be adjudged by general or special courts-martial. It is less severe than a dishonorable discharge and is designed as punishment for bad conduct, rather than for serious offenses of a military or civilian nature. A BCD also can be applied to persons convicted repeatedly of minor offenses and whose punitive separation appears necessary by the courts-martial. (Source: Joint Service Committee on Military Justice, *Manual for Courts-Martial United States*, 2008 Edition [Online]. Available: <http://www.usapa.army.mil/pdffiles/mcm.pdf> [May 21, 2009].)

^a Includes BCD and non-BCD special courts-martial.

^b Includes bad conduct discharges adjudged by both general and special courts-martial.

^c Acquittals also include cases withdrawn or dismissed after arraignment.

Source: U.S. Court of Appeals for the Armed Forces, *Annual Reports* [Online]. Available: <http://www.armfor.uscourts.gov/Annual.htm> [May 21, 2009]. Table constructed by SOURCEBOOK staff.