



DEPARTMENT OF THE NAVY  
UNITED STATES NAVAL ACADEMY  
121 BLAKE ROAD  
ANNAPOLIS, MARYLAND 21402-5000

USNAINST 5812.1  
4/SJA

MAR 5 2007

USNA INSTRUCTION 5812.1

From: Superintendent

Subj: NONJUDICIAL PUNISHMENT PROCEDURES

Ref: (a) USNA ltr 5812 Ser 28-20 of 7 Feb 06  
(b) JAGINST 5800.7D, Manual of the Judge Advocate General, Chapter 1, Part B, Sections 0106-0119  
(c) Manual for Courts-Martial (2005), Part 5

Encl: (1) NAVPERS 1626/7  
(2) CPO Disciplinary Review Board Recommendation  
(3) Enlisted Personnel Officer Inquiry Guide  
(4) Nonjudicial Punishment Guide

1. Purpose. To establish procedures for the implementation of Nonjudicial Punishment (NJP) at the United States Naval Academy (USNA) and promulgate guidance under which it will be conducted in order to maintain good order and discipline onboard USNA.

2. Policy. The Superintendent delegated to the Deputy Superintendent/Chief of Staff (DEPSUPE/COS), reference (a), the authority to impose NJP on personnel below pay-grade O-6, assigned to USNA. The DEPSUPE/COS's authority encompasses all guidance and procedures set forth in references (b) and (c).

3. Minor Offenses. NJP, also commonly referred to as Captain's mast, may be imposed for minor offenses under the punitive articles of the Uniform Code of Military Justice (UCMJ). Whether an offense is minor depends on several factors. Ordinarily, a minor offense is an offense for which the maximum sentence imposable at court-martial would not include a dishonorable discharge or confinement for longer than one year.

4. Statute of Limitations. The statute of limitations for imposition of NJP is two years from the date of the offense.

5. Procedure

a. Preliminary Inquiry:

(1) Upon receipt of information that a servicemember attached to USNA is accused or suspected of committing an offense, the Staff Judge Advocate will initiate a preliminary inquiry into the charges or suspected offenses.

(2) Upon completion of the preliminary inquiry of offenses committed by servicemembers in paygrades E-6 and below, the Staff Judge Advocate will forward the preliminary inquiry, the NAVPERS 1626/7 (enclosure (1)), and the service record of the accused to a Disciplinary Review Board.

(3) Preliminary inquiries of offenses committed by servicemembers in paygrades E-7 through O-5 will be forwarded directly to the service member's respective division director and/or the Commandant for review prior to forwarding for review by the DEPSUPE/COS or the Superintendent, and will not be processed through the Enlisted Personnel Officer. For service members who do not have a division

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director or do not fall within the Commandant's direct chain of command, the preliminary inquiry will be forwarded to the DEPSUPE/COS for review.

b. Disciplinary Review Board:

(1) The Command Master Chief will convene a Disciplinary Review Board (DRB), and will serve as Chairman of the DRB, appointing members as necessary.

(2) The DRB will consist of three to five chief petty officers. DRB members should normally not be in the accused's immediate divisional chain of command, but may be within the same Department.

(3) The DRB will review all pertinent documentation and interview the accused after proper advisement of UCMJ Article 31(b) rights. The accused may not refuse to appear before a DRB.

(4) After thorough review, the DRB will forward enclosure (2) to the Enlisted Personnel Officer. Each recommendation will include a brief summary of the DRB's analysis of the case. Should the case be recommended for disciplinary action, a recommendation of appropriate punishment shall also be provided by the DRB.

(5) All actions of the DRB shall be conducted based upon agreement of a majority of the members of the DRB. Dissenting members may attach alternative recommendations to the DRB report for consideration by the NJP authority.

c. Executive Officer Inquiry:

(1) Executive Officer Inquiry shall be conducted for offenses committed by servicemembers in paygrades E-6 and below by the Enlisted Personnel Officer. An Executive Officer Inquiry will not be conducted for offenses committed by servicemembers in the paygrades E-7 through O-5. Should the DRB recommend disciplinary action, the accused will appear before the Enlisted Personnel Officer. That officer will evaluate the evidence to determine how the matter should be resolved, following the guidance in enclosure (3). The accused may not refuse to appear before the Enlisted Personnel Officer.

(2) The Enlisted Personnel Officer may:

(a) Dismiss all charges and take no action;

(b) Dismiss all charges and take other administrative action;

(c) Recommend Captain's mast/NJP before the DEPSUPE/COS; or

(d) Recommend other disposition of the offenses, including nonpunitive measures, administrative processing or courts-martial.

d. Deputy Superintendent/Chief of Staff hearing:

(1) If, after a preliminary inquiry, Disciplinary Review Board, the Enlisted Personnel Officer Inquiry, or review by the Division Director or Commandant (for servicemembers in the paygrades E-7 through O-5) the DEPSUPE/COS determines NJP is appropriate, the DEPSUPE/COS shall take one of the following actions:

(a) Conduct Captain's mast/NJP, following the guidance in enclosure (4). At Captain's mast, the DEPSUPE/COS may:

1. Dismiss the charges with or without a warning to the accused

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2. Dismiss the charges and impose administrative or nonpunitive measures, or both.
3. Impose authorized punishment.
4. Postpone action.

(2) Any servicemember assigned to USNA may refuse NJP and demand trial by court-martial, and shall indicate whether they choose to do so in the appropriate block in enclosure (1).

(3) The accused shall be given the opportunity to consult with counsel about whether to accept NJP. Military counsel is provided at government expense. Civilian counsel is available at the accused's expense. If the accused is not given the opportunity to consult counsel, and the accused accepts NJP, it may still be imposed, but the result will not be admissible in aggravation at any subsequent court-martial.

(4) At Captain's mast, the accused has the following rights:

- (a) To be present. However, the accused may waive this right.
- (b) To remain silent.
- (c) To have a personal representative in attendance.
- (d) To examine evidence.
- (e) To present matters in defense or in extenuation and mitigation.
- (f) To call "reasonably available" witnesses. (There is no power to subpoena civilian witnesses).
- (g) To a public hearing. The accused may request a "closed mast", but does not have the right to one.

(5) At Captain's mast, Military Rules of Evidence do not apply, except those applying to privileges and self-incrimination.

(6) The burden of proof for a finding of guilty on an offense is by a preponderance of the evidence.

(7) As a method of enforcing good order and discipline, NJP results may be published to members of the command within one month of the imposition of NJP. The accused's name will not be published, but the member may be referred to by rate, rank or pay grade.

(8) After imposition of NJP, the accused has five working days to appeal to the General Court-Martial Convening Authority in the accused's chain of command. Grounds for appeal are an improper finding of guilt, or disproportionality of the punishment to the offense. Appeals must be in writing.

6. The Staff Judge Advocate is responsible for the annual review of this instruction.

/S/  
RODNEY P. REMPT

Distribution:  
All Non-Mids (electronically)

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**REPORT AND DISPOSITION OF OFFENSE(S)**  
**NAVPERS 1626/7**

To: Commanding Officer, \_\_\_\_\_ Date of Report: \_\_\_\_\_

I hereby report the following named person for the offense(s) noted:

|                 |            |                     |            |             |          |
|-----------------|------------|---------------------|------------|-------------|----------|
| NAME OF ACCUSED | SERIAL NO. | SOCIAL SECURITY NO. | RATE/GRADE | BR. & CLASS | DIV/DEPT |
|                 |            |                     |            |             |          |

|                     |                    |
|---------------------|--------------------|
| PLACE OF OFFENSE(S) | DATE OF OFFENSE(S) |
|                     |                    |

DETAILS OF OFFENSE(S) (Refer by Article of UCMJ if known. If unauthorized absence, give following info: time and date of commencement, whether over leave or liberty, time and date of apprehension or surrender and arrival on board, loss of ID card and/or liberty card, etc.):

|                 |            |          |                 |            |          |
|-----------------|------------|----------|-----------------|------------|----------|
| NAME OF WITNESS | RATE/GRADE | DIV/DEPT | NAME OF WITNESS | RATE/GRADE | DIV/DEPT |
|                 |            |          |                 |            |          |
|                 |            |          |                 |            |          |
|                 |            |          |                 |            |          |

(Rate/Grade/Title of person submitting report)

(Signature of Accuser)

I have been informed of the nature of the accusation(s) against me. I understand I do not have to answer any questions or make any statement regarding the offense(s) of which I am accused or suspected. However, I understand any statement made or questions answered by me may be used as evidence against me in event of trial by court-martial (Article 31, UCMJ).

Witness: \_\_\_\_\_ Acknowledged: \_\_\_\_\_  
(Signature) (Signature of Accused)

|                    |   |   |
|--------------------|---|---|
| PRE-MAST RESTRAINT | <input type="checkbox"/> <b>PRE-TRIAL CONFINEMENT</b> | <input type="checkbox"/> RESTRICTED: You are restricted to the limits of _____ in lieu of arrest by order of the CO. Until your status as a restricted person is terminated by the CO, you may not leave the restricted limits except with the express permission of the CO or XO. You have been informed of the times and places which you are required to muster. |
|                    | <input type="checkbox"/> <b>NO RESTRICTION</b>        |   |

(Signature and title of person imposing restraint)

(Signature of Accused)

**INFORMATION CONCERNING ACCUSED**

|                   |                              |  |                        |  |     |     |
|-------------------|------------------------------|--|------------------------|--|-----|-----|
| CURRENT ENL. DATE | EXPIRATION CURRENT ENL. DATE | TOTAL ACTIVE NAVAL SERVICE   | TOTAL SERVICE ON BOARD | EDUCATION  | GCT | AGE |
|                   |                              |  |                        |  |     |     |
| MARITAL STATUS    | NO. DEPENDENTS               | CONTRIBUTION TO FAMILY OR QTRS. ALLOWANCE<br><small>(Amount required by law)</small> |                        | PAY PER MONTH <small>(including sea or foreign duty pay, if any)</small> |     |     |
|                   |                              |  |                        |  |     |     |

RECORD OF PREVIOUS OFFENSE(S) (Date type action taken etc. Nonjudicial punishment incidents are to be included.)

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PRELIMINARY INQUIRY REPORT

From: Commanding Officer

Date: \_\_\_\_\_

To: \_\_\_\_\_

1. Transmitted herewith for preliminary inquiry and report by you, including, if appropriate in the interest of justice and discipline, the preferring of such charges as appeal to you to be sustained by expected evidence.

REMARKS OF DIVISION OFFICER (Performance of duty, etc.)

| NAME OF WITNESS | RATE/GRADE | DIV/DEPT | NAME OF WITNESS | RATE/GRADE | DIV/DEPT |
|-----------------|------------|----------|-----------------|------------|----------|
|                 |            |          |                 |            |          |

RECOMMENDATION AS TO DISPOSITION

DISPOSE OF CASE AT MAST

REFER TO COURT-MARTIAL FOR TRIAL OF ATTACHED CHARGES  
(Complete Charge Sheet (DD Form 458) through Page 2)

NO PUNITIVE ACTION NECESSARY OR DESIRABLE

OTHER

COMMENT (Include data regarding availability of witnesses, summary of expected evidence, conflicts in evidence, if expected. Attach statements of witnesses, documentary evidence such as service record entries in UA cases, items of real evidence, etc.)

(Signature of Investigating Officer)

ACTION OF EXECUTIVE OFFICER

DISMISSED

REFER TO CAPTAIN'S MAST

SIGNATURE OF EXECUTIVE OFFICER

RIGHT TO DEMAND TRIAL BY COURT-MARTIAL  
(Not applicable to persons attached to or embarked in a vessel)

I understand that nonjudicial punishment may not be imposed on me if, before the imposition of such punishment, I demand in lieu thereof trial by court-martial. I therefore (do) (do not) demand trial by court-martial.

WITNESS

SIGNATURE OF ACCUSED

ACTION OF COMMANDING OFFICER

- |   |   |
|---|---|
| <input type="checkbox"/> DISMISSED  | <input type="checkbox"/> CONF. ON _____ 1, 2, OR 3 DAYS       |
| <input type="checkbox"/> DISMISSED WITH WARNING (Not considered NJP)  | <input type="checkbox"/> CORRECTIONAL CUSTODY FOR _____ DAYS  |
| <input type="checkbox"/> ADMONITION: ORAL/IN WRITING  | <input type="checkbox"/> REDUCTION TO NEXT INFERIOR PAY GRADE |
| <input type="checkbox"/> REPRIMAND: ORAL/IN WRITING   | <input type="checkbox"/> REDUCTION TO PAY GRADE OF _____      |
| <input type="checkbox"/> REST. TO _____ FOR _____ DAYS  | <input type="checkbox"/> EXTRA DUTIES FOR _____ DAYS          |
| <input type="checkbox"/> REST. TO _____ FOR _____ DAYS WITH SUSP. FROM DUTY                                   | <input type="checkbox"/> PUNISHMENT SUSPENDED FOR _____       |
| <input type="checkbox"/> FORFEITURE: TO FORFEIT \$ _____ PAY PER MO. FOR _____ MO(S)                          | <input type="checkbox"/> REFER TO ART. 32 INVESTIGATION       |
| <input type="checkbox"/> DETENTION: TO HAVE \$ _____ PAY PER MO. FOR (1, 2, 3) MO(S) DETAINED FOR _____ MO(S) | <input type="checkbox"/> RECOMMENDED FOR TRIAL BY GCM         |
|   | <input type="checkbox"/> AWARDED SPCM                         |
|   | <input type="checkbox"/> AWARDED SCM                          |

DATE OF MAST

DATE ACCUSED INFORMED OF ABOVE ACTION

SIGNATURE OF COMMANDING OFFICER

It has been explained to me and I understand that if I feel this imposition of nonjudicial punishment to be unjust or disproportionate to the offenses charged against me, I have the right to immediately appeal my conviction to the next higher authority within 5 days.

SIGNATURE OF ACCUSED

DATE

I have explained the above rights of appeal to the accused.

SIGNATURE OF WITNESS

DATE: \_\_\_\_\_

FINAL ADMINISTRATIVE ACTION

APPEAL SUBMITTED BY ACCUSED

FINAL RESULT OF APPEAL:

DATED: \_\_\_\_\_

FORWARDED FOR DECISION ON: \_\_\_\_\_

APPROPRIATE ENTRIES MADE IN SERVICE RECORD AND PAY ACCOUNT ADJUSTED WERE REQUIRED

FILED IN ~~UNP~~ PUNISHMENT BOOK:

DATE: \_\_\_\_\_

(Initials)

DATE: \_\_\_\_\_

(Initials)

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**CPO DISCIPLINARY REVIEW BOARD RECOMMENDATION**

**From:** Chairman, CPO Disciplinary Review Board  
**To:** Director of Professional Development  
**Via:** Staff Judge Advocate's Office

**Subj:** CPO DRB RECOMMENDATIONS

**1. The CPO Disciplinary Review Board (DRB) met at \_\_\_\_\_ on \_\_\_\_\_ in the case of \_\_\_\_\_.**

**The CPO DRB makes the following recommendations:**

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**2. The CPO DRB members consisted of:**

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**Very respectfully,**

Enclosure (2)

**DIRECTOR OF PROFESSIONAL DEVELOPMENT'S INQUIRY GUIDE**

DIRECTOR OF PROFESSIONAL DEVELOPMENT: The Deputy Superintendent/Chief of Staff is contemplating the imposition of NJP. DPD inquiry is an informal hearing and is part of the NJP process. You may not refuse DPD inquiry.

(Accused), you are suspected of committing the following violation(s) of the UCMJ:

Charge I:

Specification:

DPD: You are advised that:

You have the right to remain silent and make no statement at all;

Any statement you do make can be used as evidence against you in this DPD, at NJP or future proceedings; and

You have the right to consult with an attorney, civilian (at your own expense), military (provided at no cost to you), or both.

DPD: [Interview the accused.] (Note: If admits guilt, let accused articulate extenuation and mitigation. If denies guilt, let accused give his/her version.)

[Interview the witnesses.]

[Chain of command statements.]

DPD: [To accused] Do you have any final statements?

ACC:

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DPD: I am taking the following action in your case (Choose One):

I am going to hold your case in abeyance pending further investigation;

**OR**

I am going to forward it to the Deputy Superintendent/Chief of Staff for Non-Judicial Punishment;

Enclosure (3)

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OR

- I am going to dismiss your case, however, I am imposing the following nonpunitive measures:
  - Complete \_\_\_\_ hours of EMI
  - Nonpunitive Letter of Censure/Warning

OR

- I am dismissing the charge(s) with a **verbal** warning. Be advised that dismissal does not preclude this case from later going to NJP.

OR

- I am dismissing the charge(s). Be advised that dismissal does not preclude this case from later going to NJP.

DPD: You are dismissed.

Enclosure (3)

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**NONJUDICIAL PUNISHMENT GUIDE**

DEPSUPE/COS: (Accused), you are suspected of committing the following violation(s) of the Uniform Code of Military Justice:

Charge I:

Specification:

DEPSUPE/COS: You do not have to make any statement regarding the offense(s) of which you are accused or suspected and any statement made by you may be used as evidence against you.

DEPSUPE/COS: You are advised that a captain's mast is not a trial and that a determination of misconduct on your part is not a conviction by a court. Further, you are advised that the formal rules of evidence used in trials by court-martial do not apply at captain's mast.

DEPSUPE/COS: I have a statement signed by you acknowledging that you were fully advised of your legal rights pertaining at this hearing.

DEPSUPE/COS: Do you understand this statement and do you understand the rights explained therein?

ACC: \_\_\_\_\_.

DEPSUPE/COS: Do you have any questions about your rights?

ACC:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**WITNESSES (if applicable)**

DEPSUPE/COS: [To witness (if any are present)] What can you tell me about the accused's involvement in (this/these) offense(s)?

WIT: \_\_\_\_\_.

OR

DEPSUPE/COS: [To witness(s) who has/have previously provided written statement(s) when accused and DEPSUPE/COS both have copies of the statement(s).] Do you adopt your statement(s) as your testimony here today?

WIT: \_\_\_\_\_.

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DEPSUPE/COS: Do you have anything to add to or change in your statement?

WIT: \_\_\_\_\_

DEPSUPE/COS: (To accused) Would you like me to ask any further question of this witness?

ACC: \_\_\_\_\_

**QUESTION ACCUSED/ACCUSED STATEMENT**

DEPSUPE/COS: (After all witnesses are questioned) I have before me the following that will be considered by me:

**(Evidence)**

Have you been given the opportunity to examine the evidence?

ACC: \_\_\_\_\_

DEPSUPE/COS: (If the answer is "no," offer the accused the opportunity to examine the evidence.)

DEPSUPE/COS: Is there anything you wish to offer? Anything you wish to say? (If the answer is "yes," permit the accused the opportunity to call his/her witnesses, make a personal statement in defense, and present other evidence.)

ACC: \_\_\_\_\_

DEPSUPE/COS: Are there any other witnesses you would like to call or any other evidence you would like to present?

ACC: \_\_\_\_\_

DEPSUPE/COS: Is there anything you wish to offer that would lessen the seriousness of (this/these) offense(s) or mitigate them?

ACC: \_\_\_\_\_

**CHAIN OF COMMAND COMMENTS**

CO: (To witness) What can you tell me about (accused's name) performance of duty?

Enclosure (4)

WIT: \_\_\_\_\_

DEPSUPE/COS: (To accused) Is there anything else you would like to present?

ACC: \_\_\_\_\_

DEPSUPE/COS: I impose the following punishment:

**Restriction Maximum: 60 days (45 days if combined with extra duties)      Awarded: \_\_\_\_\_**

**Extra Duty Maximum: 45 days      Awarded: \_\_\_\_\_**

**Correctional Custody Maximum: 30 days. (E-3 and below only)      Awarded: \_\_\_\_\_**

**Reduction in paygrade.      Awarded: \_\_\_\_\_**

**Forfeiture Maximum of 1/2 of 1 months pay for 2 months.      Awarded: \_\_\_\_\_**

**Admonition.      Awarded: \_\_\_\_\_**

**Reprimand. (Oral or written; officers must be reprimanded in writing)      Awarded: \_\_\_\_\_**

DEPSUPE/COS: My decision to impose this punishment was based on my determination that you committed the offenses of:

**Charge:**

**Appeal Rights**

You are advised that you have the right to appeal this punishment to the Superintendent, U.S. Naval Academy. Your appeal must be made within a reasonable time—which is normally 5 days. Following this hearing, the Legal Office will advise you more fully of this right to appeal. Do you understand?

ACC: \_\_\_\_\_

DEPSUPE/COS: You are dismissed.

Enclosure (4)