NJP Rights

- Be informed of the charges
- Personal appearance
- Article 31, UCMJ (Guard against self-incrimination)



- Mast Representative and/or spokesperson
- Examine & present evidence



- Call available witnesses
- Public Hearing
- Be informed of appeal rights
- Maximum punishment determined by rank of person being punished and person imposing punishment
- Appeal within 5 calendar days
- Statute of limitation 2 years

Impacts of NJP

• Terminates Good Conduct eligibility



- Lower evaluations
- Security clearance eligibility
- Ineligible for advancement
- Ineligible for nomination as Coast Guard Enlisted Person of the Year
- May not be recommended for continued service
- May not be assigned as OIC if NJP was imposed within the last two years

Types of Courts-Martial

A court-martial (plural courts-martial, as "martial" is postpositive) is a military court. A court-martial is empowered to determine the guilt of members of the armed forces subject to military law, and, if the defendant is found guilty, to decide upon punishment.

Summary Court Martial.

- One O-3 or above Judge Advocate (CG)
- Serves as: Judge, Jury, Prosecutor, Defense Counsel
- Only for enlisted personnel
- Absolute right to refuse
- Rules of evidence apply
- No right to a military lawyer

Special Court Martial:

- Collateral duty for Judge Advocates
- 3 or more "members"
- Enlisted personnel can request enlisted members
- Accused can request Military Judge alone
- Trial Counsel (prosecutor)
- Accused has right to assigned counsel

General Court Martial:

- Article 32 Hearing (similar to Grand Jury)
- Military Judge
- 5 or more Members
- Accused right to counsel

For more information on Courts-Martial see:

Military Justice Manual COMDTINST M580.1E

Information compiled by: Force Readiness Command Reserve Readiness Division - 5/2011

Reserve Force Readiness System



Quick Reference Guide <u>UCMJ for SELRES</u>

Uniform Code of Military Justice (UCMJ) Discipline Tools NJP Process NJP Rights Impacts of NJP Types of Courts-Martial

Brochure available at: http://uscg.mil/reserve/job_aid.asp

Notes:

All information contained in this brochure has been sourced from the following directives:

- Reserve Policy Manual, M1001.28 (series)
- Personnel and Pay Procedures Manual, (PPPM), M1000 (series)
- Military Justice Manual, M5810.1E

For additional information or guidance, review the manuals listed above and work with chain of command.

Uniform Code of Military Justice (UCMJ)

Authority: Article 15, UCMJ, also known as 'Non-Judicial Punishment (NJP)' or 'Captain's Mast' provides commanding officers with the authority to impose NJP without resort to the judicial forum of a courts-martial.

Purpose: Maintain good order and discipline within their command. Change behavior.

Persons Subject to UCMJ: All five branches of the military are subject to UCMJ. At the time NJP is imposed, the member being punished must be a member of the command of the commanding officer who imposes the punishment. A member is "of the command" if they are assigned or attached to the unit.

SELRES are subject to UCMJ while performing Inactive Duty for Training (IDT), Active Duty for Training (ADT) or active duty. Accordingly, all offenses committed by a SELRES while on active duty, IDT or ADT, may subject SELRES to discipline, including NJP.

Discipline Tools

Non-Punitive Measures:



- Dismissal of NJP-CG 4910
- Administrative Remarks-CG-3307
- Extra Military Instruction (EMI) intended to teach/train-not punish (must be supervised)
- Withholding of privileges (e.g. exchange)
- Correct minor infractions without impact on personnel record

Non-Judicial Measures:

The following list of terms are frequently used when someone has a pending Report of Offense and Disposition, CG-4910:

- Captain's Mast
- Article 15
- Booked or booking-chit
- Placed on report
- NJP

Judicial Punishment:

- Summary Court-Martial
- Special Court-Martial
- General Court-Martial

NJP Process

Alleged wrong doing.

 Report of Offense and Disposition Form, CG-4910 submitted to Chain of Command.

Note: Anyone knowing of a wrong doing can place another person on report.

- CG-4910 is forwarded to Executive Officer (XO) or Deputy for disposition
- XO/Deputy will review CG-4910, and determine course of action

Options include: 1) recommend dismissal to Commanding Officer 2) Proceed to mast

- For mast XO/Deputy will assign Preliminary Investigating Officer (PIO) & mast representative
- PIO will advise alleged wrong doer of Charges and Article 31 (b) warning
- Commanding Officer will hold mast. XO/ Deputy can hold mast when acting
- Award punishment, explain Appeal process

Punishment awarded at NJP can include:



- Restriction
- Reduction in Rank
- Reduction in Grade
- Correctional Custody– E-1-E-3
- Extra duty-Not for an E-7 or above
- Forfeiture of pay