



DEPARTMENT OF THE NAVY
NAVAL AIR STATION
22268 CEDAR POINT ROAD
PATUXENT RIVER, MARYLAND 20670-1154

NASPAXRIVINST 1626.3X
N00
4 Jan 2021

NASPAXRIV INSTRUCTION 1626.3X

From: Commanding Officer, Naval Air Station Patuxent River

Subj: ADMINISTRATION OF DISCIPLINE AND NONPUNITIVE MEASURES

Ref: (a) JAGINST 5800.7F
(b) Part V, MCM, 2016
(c) R.C.M. 304, MCM, 2016
(d) R.C.M. 305, MCM, 2016
(e) U. S. Navy Regulations, Chapter 11, 1990
(f) MILPERSMAN 1160-050

Encl: (1) Procedures for the administration of discipline
(2) Report of offense
(3) Regulations governing personnel assigned to the restricted barracks
(4) Pretrial restricted personnel daily routine
(5) Restricted personnel daily routine
(6) Extra Military Instruction
(7) EMI assignment sheet
(8) Withholding of privileges

1. Purpose. To publish procedures and policies for the administration of discipline and administration of nonpunitive measures for personnel assigned or attached to Naval Air Station (NAS) Patuxent River.

2. Cancellation. NASPAXRIVINST 1626.2W.

3. Discussion. It is the responsibility of Leading Petty Officers (LPOs), Chief Petty Officers (CPOs), Division Officers (DVOs), and Department Heads (DHs) to handle minor offenses without resorting to Commanding Officer's Nonjudicial Punishment (NJP). After every available effort has been exhausted to correct deficiencies at the departmental level, it may be necessary to place the member on report.

4. Action. Per references (a) through (f), the administration of discipline is the responsibility of the Commanding Officer (CO). Enclosures (1) through (5) provide procedures and policies to carry out the fair, timely, and effective administration of discipline. The administration of nonpunitive measures is delegated by this instruction to DHs, DVOs, and CPOs, and shall not, under any circumstances, be delegated further. Enclosures (6) through (8) provide procedures and policies to carry out the fair, timely, and effective administration of nonpunitive measures.

Failure to follow the procedures set forth in this instruction could result in dismissal of charges and administrative or disciplinary actions being utilized to correct the matter. The QUICKMAN Legal Handbook should also be used as a ready reference.

5. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed as per SECNAV Manual 5210.01 of January 2012.

6. Review Authority. The NAS Patuxent River Staff Judge Advocate (SJA) shall review this instruction annually and prepare recommendations for the CO.



J. J. BRABAZON

Releasability and distribution:

This notice is cleared for public release and is available electronically only via

<https://g2.cnmc.navy.mil/NASPATUXENTRIVERMD/SitePages/Home.aspx>

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PROCEDURES FOR THE ADMINISTRATION OF DISCIPLINE
AND NONPUNITIVE MEASURES

1. Offenses will be reported and investigated as follows:

a. Placing personnel on report.

(1) Whenever it is necessary to place an individual on report for an alleged offense, a report of offense [Enclosure (2)] will be prepared and forwarded to the CO via the SJA.

(2) Report of an offense involving tenant command personnel shall be forwarded for action to the individual's CO by the SJA.

b. Investigation of reported offenses.

(1) Upon receipt of a report of offense for NAS Patuxent River personnel, the SJA will prepare a preliminary inquiry (PI) package on behalf of the CO and forward it to the Command Master Chief (CMC). The CO will assign an Officer or CPO to act as the Investigating Officer (IO) and to conduct the PI. The PI is an informal investigation to inquire into the facts and circumstances surrounding the alleged offense and shall be conducted IAW Chapter 2 of reference (b).

(2) IO will obtain all evidence and statements from the witnesses prior to talking to the Accused. When talking to the Accused, the IO will advise the Accused of their Article 31(b) rights and ensure that the Accused understands and executes all rights acknowledgement forms. Any witness that is also suspected of committing an offense must be advised of their Article 31(b) rights. In addition, if at any time while interviewing a witness, the witness incriminates themselves of an offense, terminate the interview, read the witness Article 31(b) rights, and do not continue the interview unless the witness chooses to do so.

(3) Upon completion of the PI, the IO will forward it to the CO via the SJA and the Accused's chain of command (CoC) for completion of the CoC recommendations.

(4) The PI shall be completed within five (5) days of receipt, unless an extension is granted by the CO via the SJA. Upon completion, the PI shall be hand carried to the SJA for review and action by the CO.

(5) The Executive Officer (XO) or CMC, via the SJA, will notify the Accused's CoC of the date and time of the Disciplinary Review Board (DRB), Executive Officer's Inquiry (XOI), and CO's NJP. A complete seabag inspection shall be completed prior to NJP. Cases may not be dismissed prior to NJP, except as authorized by the CO.

2. Disposition of offenses. The CO is directly responsible for the administration of discipline. Although DRB and XOI are authorized by this instruction, the CO may bypass both the DRB and XOI, or either one, when deemed necessary. Nothing in this instruction confers a legal privilege, right, and/or entitlement beyond those conferred in the Manual for Courts-Martial (MCM).

a. DRB.

(1) Discussion. The DRB leverages the many years of experience of the CPOs by involving them in the discipline process. The DRB does not have the authority to award punishment. The DRB serves as a fact-finding and advisory board to the CO by investigating the alleged violations and making recommendations to the CO.

(2) Membership. The DRB is to be composed of CPOs assigned by the CMC. The DRB will have a representative from disassociated divisions or departments and shall never have less than four members. CPOs from the same division as the Accused will not be members of the board, nor provide recommendations for the case. The CMC will preside over all DRBs and may be delegated to a Master Chief Petty Officer (MCPO) or Senior Chief Petty Officer (SCPO) in his/her absence. Additionally, the Command Managed Equal Opportunity Manager and Drug and the Alcohol and Drug Program Advisor shall be present if the offenses fall under their respective cognizance.

(3) Action. The DRB will convene at the discretion of the CMC. DRB members will meet one-half hour prior to the convening in order to review each Accused's package and the circumstances surrounding the alleged offenses. The DRB will review all alleged violations of the UCMJ by inquiring into the circumstances of the alleged offenses as thoroughly as possible. The inquiry may include reviewing evidence, as well as interviewing the Accused and other witnesses.

(4) Recommendation. Upon completion of its investigation, the DRB will make its recommendation to the CO in writing and signed by the CMC or designated chairperson. This recommendation will be limited to:

(a) Dismissal of the charge(s) at the Board level with a recommendation to rectify the problem;

(b) Assigning Extra Military Instruction (EMI) up to 20 hours.

(c) Dismissal of the charge(s) at XOI with a recommendation to rectify the problem;

(d) Forwarding the charge(s) to NJP with an opinion regarding innocence or guilt and a recommendation delineating an appropriate punishment should the Accused be found guilty at NJP.

(5) Rights of the Accused. The CMC or designated chairperson will ensure that the Accused is afforded all rights under Article 31(b), UCMJ. DRB recommendations are to be held in strict confidence to protect the rights of the Accused under the UCMJ.

b. XOI. Prior to NJP, the XO will review the completed PI, CoC recommendations, and recommendations from the DRB. The XO may, at his or her discretion, interview the Accused and any witnesses prior to making a recommendation as to whether the case should be forwarded to the CO or dismissed. If the case is recommended for dismissal, the XO shall make such recommendations to the CO.

c. NJP. The CO will review the complete package and either dismiss the charges against the Accused or conduct a hearing in accordance with the requirements of references (b) and (c).

3. Punishment:

a. Restricted Personnel.

(1) Personnel restricted to NAS Patuxent River as a result of NJP, courts-martial, or pretrial restraint will report to the SJA for instructions regarding the conditions of restriction imposed by the CO. Imposition of punishment and appeal of NJP must comply with the provisions of reference (c). Restriction involves moral rather than physical restraint.

(2) Tenant commands will be responsible for the administration and monitoring of their own restricted personnel. Tenant commands that do not maintain an afterhours duty watch may coordinate restricted personnel musters and extra duty administration with NAS Patuxent River via the Installation CMC and the SJA. Every attempt should be made by tenant commands to manage their own Restricted and Extra Duty personnel before requesting NAS support.

b. Extra Duties. Personnel awarded extra duties at NJP will perform such duties as ordered by the CO under the supervision of the Command Duty Office (CDO) who shall maintain a record of the duties performed. Extra duties shall not be performed on a member's Sabbath, although the Sabbath counts in the computation of the period of extra duty. Departments and tenant commands are encouraged to request the use of extra duty personnel for two-hour work assignments to end no later than 2000. Extra duties should not exceed two hours per day. Requesting departments/commands may only utilize extra duty personnel during established extra duty hours and must provide continuous CPO or First Class Petty Officer (FCPO) supervision. Extra duties may consist of, but are not limited to, cleaning of compartments, removal of roadside debris (litter, tree branches, signs) or any other beautification or grounds maintenance projects throughout the base. Extra duties performed shall be separate duties than those performed during normal working hours.

4. Legal Hold: The SJA must be consulted prior to placing a member in a legal hold status. Legal Hold does not involve any restraint on liberty, nor does it limit the performance of military duties. Members may not be placed on legal hold for the imposition of NJP.

a. Involuntary Extension due to Criminal Proceedings. Members may be extended involuntarily beyond their End of Active Obligated Service (EAOS) as a result of apprehension, arrest, confinement, investigation, or filing of charges that may result in a trial by courts-martial and execution of any sentence thereof.

b. A member pending disciplinary action will not be transferred, sent on a Temporary Additional Duty (TAD) assignment, or granted leave without prior authorization of the CO.

5. Pretrial Restraint: Pretrial Restraint involves moral rather than physical restraint on a person's liberty, which is imposed before and during disposition of offenses.

a. The CO may order confinement if he or she believes an offense triable by courts-martial has been committed, the Accused committed it, and confinement is necessary because it is foreseeable that the Accused will not appear at trial or will engage in serious criminal conduct and less severe forms of restraint are inadequate. Thorough coordination is required from tenant commands with Installation CO, Installation CMC and SJA to get approval prior to requesting assignment into Unaccompanied Housing (UH) for personnel under Pretrial Restraint.

b. Officers. Conditions on liberty, restriction, or confinement for Officers and Warrant Officers shall be imposed solely by the CO. Temporary restraint of an Officer or Warrant Officer may be imposed by proper authority, when necessary, until a decision is made by the CO.

c. Enlisted Personnel. The CO, XO (if acting or delegated by the CO), or CDO (if delegated by the CO), may order an Enlisted member into pretrial restraint or confinement.

d. The SJA should be contacted immediately if any member is placed in pretrial restraint.

e. Pretrial restraint is only authorized if courts-martial is contemplated. Once courts-martial is no longer contemplated, pretrial restraint must terminate.

6. Nonpunitive Measures: Nonpunitive Measures should be utilized to their fullest extent prior to initiating disciplinary action. Nonpunitive Measures are tools to correct a Sailor's behavior before more serious measures are taken.

a. Nonpunitive measures include: the imposition of EMI, Nonpunitive Letter of Caution (NPLOC), Letter of Instruction (LOI), and withholding of privileges or written counseling. Only the following personnel are granted the authority to utilize Nonpunitive Measures by the CO: XO, CMC, DHs, DIVOs, and CPOs.

b. Other Nonpunitive Measures:

- (f) (1) Use of evaluations and fitness reports to document unacceptable behavior [Reference (f)]
- (2) Security clearance adjustments or withdrawal [Reference (f)]
- (g) (3) Withholding or withdrawing and advancement/promotion recommendation [Reference (g)]
- (4) Reassignment/early transfer/delay of transfer
- (5) Detachment for Cause [References (c) and (i)]
- (6) Administrative separation [References (h), (j), and (k)]

NASPAXRIVINST 1626.3X
4 Jan 2021

From: _____, USN, Accuser
To: Staff Judge Advocate, Naval Air Station, Patuxent River
Subj: REPORT OF OFFENSE

1. I desire to place the following person on report:

Rate/Name

Dept/Div/Phone

2. The facts surrounding the offense are as follows (be specific as to time, date, place, order given, etc.):

3. I have attached copies of all documentary evidence known to me.

4. The witnesses known to me are:

Rate/Name

Dept/Div/Phone

Rate/Name

Dept/Div/Phone

Rate/Name

Dept/Div/Phone

Signature of Accuser/Date

Enclosure (2)

REGULATIONS GOVERNING PERSONNEL ASSIGNED TO THE RESTRICTED BARRACKS

1. Applicability. These regulations established by the Installation CO, apply to all personnel who reside in restricted barracks.

2. Daily Routine.

a. Restricted personnel will muster in person with the CDO, Building 409 (or in accordance with their unit CO's instructions), in the Uniform of the Day regardless of their work location. The daily routine for pretrial personnel is specified in Enclosure (4). The daily routine for post-disciplinary action is specified in Enclosure (5).

b. When traveling about the base, restricted personnel must proceed to and from their stated destination by the most direct route. Absent prior approval, intermediate stops are not authorized. Traveling in any privately owned or government vehicle is not authorized unless under extenuating circumstances and with approval of the CO. Method of travel for tenant command restricted personnel will be determined by their parent command.

c. Personnel who have obtained permission to leave the limits of NAS Patuxent River will remain in a disciplinary status and be under escort of a senior Petty Officer, E-5 or above, from their parent command. Transportation will be in a government vehicle only.

d. At the weekday 2130 muster, the CDO will conduct a personal inspection on all post disciplinary restricted personnel in the uniforms as follows:

(1) Monday: Service Dress Blue Uniform

(2) Tuesday: Service Dress White Uniform

(3) Wednesday: Navy Working Uniform

(4) Thursday: Service Uniform

(5) Friday: Re-inspection/CDO choice

3. General Regulations.

a. Restricted personnel that occupy UH barrack rooms are subject to inspections of rooms, lockers, and personal inspection. These inspections may be conducted by the CDO or the restricted personnel's CoC as necessary to protect the health, welfare, safety, and security of the personnel on restriction, others in UH and on the base.

b. UH does not have available barracks to assign personnel on restriction. This factor must be taken into consideration when adjudicating discipline to all personnel who do not otherwise reside in the UH barracks.

c. Bunks shall be properly made at reveille. Restricted personnel will occupy assigned bunks from taps to reveille and will not leave their assigned bunks except to use the nearest head or in case of an emergency.

d. All authorized gear must be properly stowed when not in use.

e. Furniture may be used only for its intended or designed purpose.

f. Restricted personnel will remain in and maintain clean, neat, and appropriate military attire, appearance, and grooming standards from reveille to taps. Soiled or sweaty Navy Physical Training gear may be worn when actively engaged in physical training.

g. Any restricted personnel requiring non-emergency medical assistance will inform the CDO at Building 409 of the requirement, and will not need an escort for assistance.

h. Restricted personnel may not possess, consume, procure or use alcoholic beverages while in a restricted status. Facilities where alcohol is served are off-limits.

i. Restricted personnel will spend their free time periods at their domicile/barracks/place of work as approved by their command in the restricted barracks and/or lounge area. Personal errands may be performed during free periods with authorization from the CDO. Socializing in the lounge area is not permitted. Internet and phone use will be limited to essential needs and use for professional military training.

j. All restricted personnel will remain on restriction until 2359 of the last day of restriction, unless released earlier by the CO or his designated representative.

k. The respective CoC will determine restricted personnel civilian clothes permissions.

4. Personal Property. Restricttees shall collect all uniforms and stow personal property as directed by their CoC.

5. Navy Exchange. Restricted personnel are permitted to visit the Navy Exchange, as necessary, for haircuts and to purchase health and comfort items with authorization from the CDO/CoC.

6. Divine Services. All restricted personnel are authorized to attend Divine Services at the Base Chapel.

7. Visitors.

a. Officers and senior Petty Officers from a restricted personnel's chain of command shall be allowed to visit the restricted personnel at any time for official purposes.

b. For restricted personnel living in UH barracks, personal visitors are permitted to visit restricted personnel in the lounge area only between the hours of 1230 and 2115 on Sundays and holidays. Restricted personnel will inform the CDO/CoC when they have a personal visit scheduled. The CDO/CoC will monitor and ensure that visitor hours are enforced. Personal visitors are permitted to be in the lounge area only. They are prohibited by this instruction from entering any bedroom in the restricted personnel's accommodation quarter. Personal visitors are defined as anyone, civilian or military, not assigned to live in a bedroom in the restricted personnel quarter.

c. Restricted personnel and their visitors shall conduct themselves in an orderly manner at all times.

8. Rights of Communication. Restricted personnel may communicate with the CO, Chaplain, SJA, their DIVO, and their military and/or civilian defense counsel. Restricted personnel will be permitted access to these individuals within a reasonable time and at a proper place, after the request is received.

9. Grooming Standards.

a. Restricted personnel are not authorized to wear facial hair, unless they have an approved no shave authorization form issued by a competent medical authority.

b. Grooming standards will be maintained as that which is required when in uniform because no civilian clothing is allowed to be worn while on restriction.

10. Accountability. CDOs must be kept informed of restricted personnel's location and activity at all times. Spot checks may be performed to verify restricted location and activity. Restricted personnel who are not in their assigned location, or cannot be located, may be subject to additional disciplinary action. Restricted personnel are responsible for initiating all communications to the/their CDO and for keeping the/their CDO aware of their location and activity at all times.

PRETRIAL RESTRAINT PERSONNEL DAILY ROUTINE

1. Normal workday routine:

0500	Reveille
0615	Muster at Building 409
0730	Report to work
1630	Muster at Building 409
1645-2100	Free time
2115	Muster at Building 409
2200	Taps

2. Saturday routine:

0500	Reveille
0800	Muster at Building 409
0815-1045	Free time
1100	Muster at Building 409
1115-1600	Free time
1615	Muster at Building 409
1630-2100	Free time
2115	Muster at Building 409
2200	Taps

3. Sunday and Holiday routine:

0500	Reveille
0800	Muster at Building 409
0815-1045	Free time
1100	Muster at Building 409
1115-1600	Free time
1230	Visitation begins
1615	Muster at Building 409
1630-2100	Free time/visitation
2115	Visitation ends
2115	Muster at Building 409
2200	Taps

RESTRICTED PERSONNEL DAILY ROUTINE

1. Normal workday routine:

0500	Reveille
0630	Muster at Building 409
0730	Report to work
1115	Muster at Building 409
1645	Muster at Building 409 for extra duty
1800	Secure from extra duty
2000-2115	Free time
2130	Muster and inspection at Building 409
2200	Taps

2. Saturday workday routine:

0500	Reveille
0630	Muster at Building 409
0645-0715	Chow
0730-1100	Free time*
1115	Muster at Building 409
1130-1230	Chow
1230-1615	Free time*
1630	Muster at Building 409
1645-1745	Chow
1800-2115	Free time* / Extra duties
2130	Muster and inspection at Building 409
2200	Taps

*If awarded extra duties, the restricted personnel may be required to perform this duty during a free time period in lieu of the 1800-2000 time period. The specific times are at the discretion of the CDO/CoC. NOTE: Free time is not a right. As required, the CDO/CoC may assign work to restricted personnel during a free time.

3. Sunday and Holiday routine.

0500	Reveille
0630	Muster at Building 409
0645-1100	Free time
1115	Muster at Building 409
1130-1630	Free time
1230	Visitation begins
1630	Muster at Building 409

NASPAXRIVINST 1626.3X
4 Jan 2021

1645-2115	Free time
2115	Visitation ends
2130	Muster at Building 409
2200	Taps

EXTRA MILITARY INSTRUCTION (EMI)

1. EMI. Extra military instruction is a training technique to be used to correct a specific deficiency in the performance of duties in which an individual is deficient, and is intended for and directed towards the correction of that deficiency. It is a bona fide training technique to be used for improving the efficiency of an individual within a command or unit through the correction of some deficiency in that individual's performance of duty. It may be assigned only if genuinely intended to accomplish that result. EMI is neither punishment nor a substitute for punishment. It is not to be used as a substitute for judicial action (Courts-Martial) or NJP, and must be logically related to the deficiency in performance for which it was assigned.

2. Authority to impose EMI.

a. The CO is the only individual authorized to assign EMI to be performed after working hours; however, the CO may delegate authority to impose EMI outside working hours to subordinate personnel. The XO, DHs, DIVOs, and CPOs are hereby delegated authority to impose EMI after working hours. Any individual who does not possess such authority may recommend the imposition of EMI to the chain of command. The following individuals may award EMI not to exceed the following periods of time:

(1) XO:	20 hours
(2) DRB:	20 hours
(3) DHs:	16 hours
(4) DIVOs:	14 hours
(5) CPOs:	10 hours

3. Limitations. EMI will be conducted within the following guidelines:

a. EMI normally will not be conducted for more than two hours per day.

b. EMI may be conducted at a reasonable time outside normal working hours. Reserve component personnel on inactive training; however, may not be required to perform EMI outside normal periods of inactive duty training. A reasonable time outside of normal working hours is defined in this instruction as commencing up to two hours before or ending up to two hours after a Sailors normal work day. If the CO or delegated personnel determine that military exigencies do not allow EMI during normal working hours, they may direct EMI at a different reasonable time.

c. EMI will not be conducted over a period that is longer than necessary to correct the performance deficiency for which it was assigned.

d. EMI will not be conducted on the member's Sabbath, however, EMI time will not count towards a members Sabbath day.

e. EMI will not be used for the purpose of depriving the member of normal liberty to which the member is otherwise entitled. A member who is otherwise entitled thereto may commence normal liberty upon completion of EMI.

f. EMI will be supervised by an E6 or above within the member's CoC.

g. The EMI form is to be utilized to document completion of the assignment and corrective measures.

EMI ASSIGNMENT SHEET

Rate/Name of individual assigned EMI:

Dates/times/location of EMI:

Description of EMI assigned: _____

Rate/name of individual assigned to supervise the EMI: _____

EMI hours assigned

Signature of person assigning EMI/Date

I HAVE READ, UNDERSTAND, AND ACKNOWLEDGE RECEIPT OF THE ABOVE EMI ASSIGNMENT. I FURTHER UNDERSTAND THAT FAILURE TO PERFORM THE ABOVE EMI ASSIGNMENT MAY SUBJECT ME TO DISCIPLINARY AND/OR ADMINISTRATIVE ACTION.

Signature of the person performing EMI

Date

Witness signature

Date

WITHHOLDING OF PRIVILEGES

1. Administrative withholding of privileges. A privilege is a benefit, advantage, or favor provided for the convenience or enjoyment of an individual. Examples of privileges that may be withheld are special liberty, exchange of duty, special command program participation, entrance to base clubs, and use of the base for private vehicle driving and parking.

Withholding of privileges is nonpunitive and may be employed to correct minor infractions of military regulations or performance deficiencies where punitive action would be inappropriate. Since withholding of privileges is temporary in nature, it should be for an appropriate period to effect the desired improvement in the member's performance. An individual may be deprived of his/her normal liberty as punishment only as directed in reference (b); however, loss of normal liberty due to operational work requirements that extend past liberty call is not considered to be punishment and is lawful.

2. Authority to withhold privileges. Final authority to withhold a privilege rests with the level of authority empowered to grant that privilege.

a. The CO has the authority to withhold privileges of personnel normally exercised while in a liberty status. The CO may withhold privileges relating to base driving and parking, clubs and attendance at MWR programs. The CO may exercise their authority in lieu of or in conjunction with the exercise of their authority under reference (b).

b. DHs are delegated authority to withhold the following:

- (1) Denying a request of up to 48 hours special liberty.
- (2) Exchange of duty.
- (3) Liberty when conducting EMI.