



DEPARTMENT OF THE NAVY

CHIEF OF NAVAL EDUCATION AND TRAINING
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CNETINST 5400.2C
N4/Area Coord
16 Oct 1995

CNET INSTRUCTION 5400.2C

Subj: CHIEF OF NAVAL EDUCATION AND TRAINING AREA COORDINATION
MANUAL

Ref: (a) OPNAVINST 5400.24D
(b) Sec. 3, SNDL CAT

1. Purpose. To promulgate the Chief of Naval Education and Training (CNET) Area Coordination Manual, delineating the major responsibilities and functions of area coordination. Since this instruction has been revised in its entirety, specific additions, deletions, or revisions have not been marked.

2. Cancellation. CNETINST 5400.2B and CNTECHTRAININST 5400.10

3. General

a. Reference (a) assigns CNET as Area Coordinator for the east and west central regions of the United States. Area coordination responsibilities will be discharged through regional area coordinators assigned in reference (b). Additionally, local area coordinators are established for selected local areas. It is not intended that local area coordinators perform the broad range of general area coordination functions. Regional and local area coordinators and areas of responsibility are delineated in chapter 2 of this instruction.

b. In the interest of reducing the proliferation of directives, policy and procedures for area coordination will, to the maximum extent possible, be promulgated in this directive. To this end, regional area coordinators are encouraged to submit recommended changes or additions to this area coordination directive.

c. General area coordination functions and responsibilities are outlined in chapter 1. Subsequent chapters delineate responsibilities for specific functions which have been assigned to the area coordination structure. Additionally, there are other specific functions for which higher authority has assigned responsibility, either through the regular administrative chain of command or through the establishment of special functional areas of responsibility. Certain of these arrangements will be reiterated herein for the information of all concerned.

4. Action

a. Regional Area Coordinators. Within assigned regions, discharge general area coordination functions and responsibilities outlined in chapter 1 of this directive and specific functions assigned in subsequent chapters.

b. Local Area Coordinators

(1) Within assigned local areas, perform specific functions assigned herein or by regional area coordinators.

(2) Serve as an administrative office for the senior officer present in the local area for assigned area coordination functions.

c. Commanding Officers

(1) Provide requested staff assistance and support to coordination authorities within the constraints of available resources.

(2) The senior officer present within an area, if other than the local area coordinator, shall keep apprised of local area coordination matters and provide guidance as appropriate to the local area coordinator.

(3) Ensure that their local area coordinators to which assigned are aware of activity mission and functions, inter-activity support arrangements, detachments in the area, and planned significant changes thereto.

/s/P. E. Tobin
P. E. TOBIN
Vice CNET

Distribution:

CNETINST 5218.2 - Lists I (1, 2) and V (18)

CNETINST 5218.1F - List XII

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FKA1G (COMNAVSEASCOM)

CNETINST 5218.1F - List XIII (Shore activities with naval personnel in CNET regional area coordination area, other than Navy and Marine Corps activities)

{PRIVATE }RECORD OF CHANGES			
CHANGE NO.	DATE OF CHANGE	DATE ENTERED	BY WHOM
1	22 NOV 96	02 FEB 2000	CNET ADMIN

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TABLE OF CONTENTS

	<u>Page</u>
Record of Changes	i
Table of Contents	iii
CNET Area Coordination Regions Map	v
<u>CHAPTER 1 - AREA COORDINATION - GENERAL</u>	
Section 1 - Concept, Responsibilities, and Functions	1-1-1
Section 2 - Regional and Local Area Coordinators	1-2-1
<u>CHAPTER 2 - UNIFORM POLICY</u>	
Section 1 - U.S. Navy Uniform Policy for Activities Under the Area Coordination of CNET	2-1-1
Appendix A - Uniform Categories	2-1-A1
Appendix B - Guidance for Military Attire	2-1-B1
Appendix C - Guidance for Civilian Attire	2-1-C1
Appendix D - Prescribed Navy Uniforms for Activities in Northwest Florida, Alabama, Mississippi, Tennessee, Kentucky, and West Virginia for Summer and Winter Periods	2-1-D1
Section 2 - U.S. Marine Corps Uniform Policy for Activities Under the Area Coordination of CNET	2-2-1
Appendix A - Marine Corps Uniform Policy	2-2-A1
Appendix B - Guidance for Equivalent Marine Corps/Navy Uniforms	2-2-B1
Appendix C - Guidance for Civilian Attire	2-2-C1

CHAPTER 3 - ADMINISTRATION OF NAVAL JUSTICE AND LEGAL MATTERS

Section 1 - General	3-1-1
Section 2 - Use of Pretrial Restraint	3-2-1
Section 3 - Submission of Requests for Other Than Honorable Discharges for the Good of the Service	3-3-1
Section 4 - Enlisted Administrative Separations	3-4-1
Section 5 - Nonjudicial Punishment Procedures and Appeals	3-5-1
Appendix A - Nonjudicial Punishment - Accused's Acknowledgement and Appeal Rights	3-5-A1
Section 6 - Convening, Manning, and Reviewing Courts-Martial	3-6-1
Section 7 - Relations With Civil Authorities	3-7-1
Section 8 - Armed Forces Disciplinary Control Boards	3-8-1
Section 9 - JAG Manual Investigations	3-9-1
Section 10 - Article 138, UCMJ, Complaints of Wrong	3-10-1

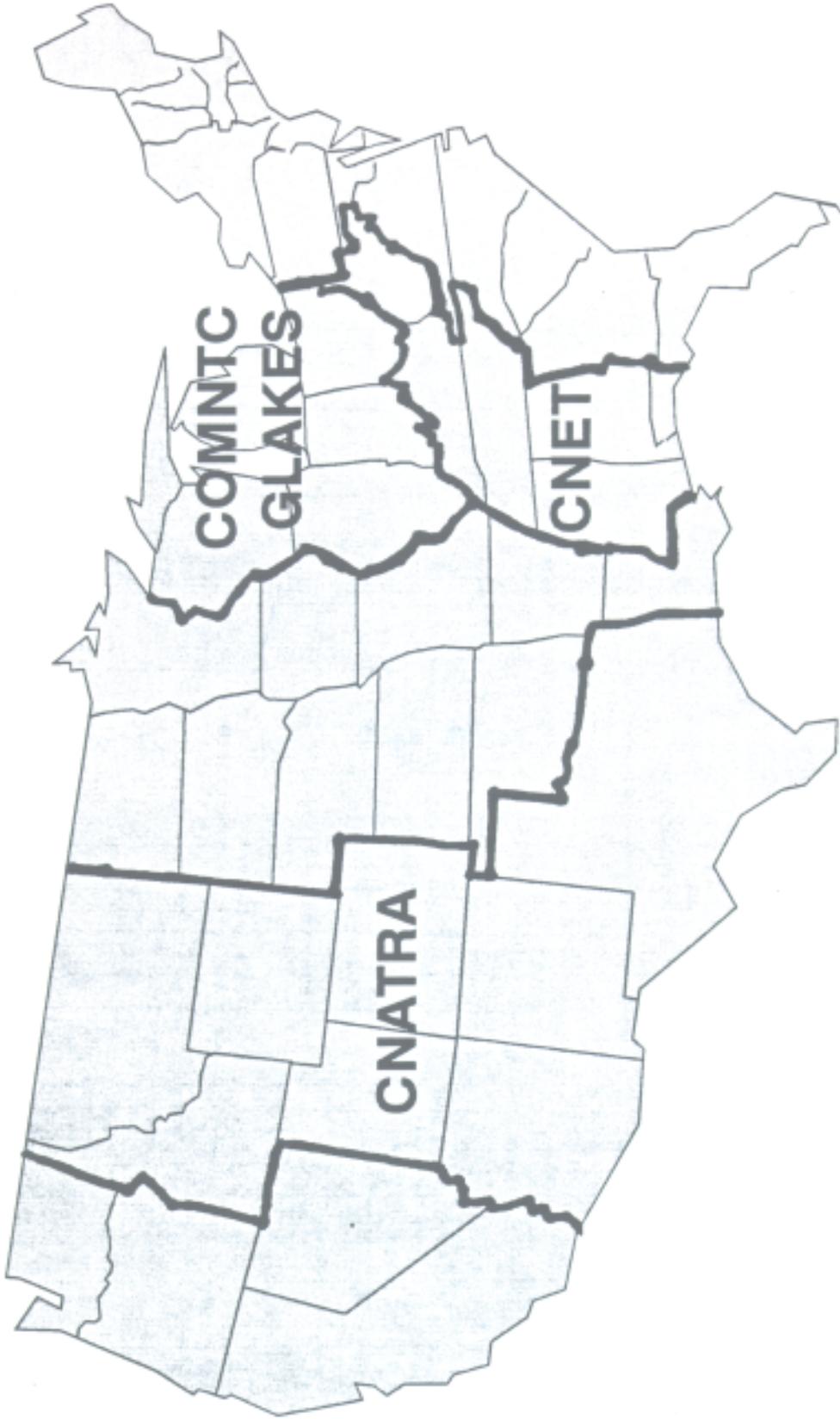
CHAPTER 4 - PUBLIC AFFAIRS

Section 1 - General	4-1-1
---------------------	-------

CHAPTER 5 - REPORTING OF TERRORIST THREAT CONDITIONS

Section 1 - General	5-1-1
---------------------	-------

CNET AREA COORDINATION REGIONS



**Regional Area Coordinators
Superimposed Over Assigned Region**

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CHAPTER 1

AREA COORDINATION - GENERAL

Section 1 - Concept, Responsibilities, and Functions1101. BASIC DIRECTIVES

Ref: (a) OPNAVINST 5400.24D
(b) SECNAVINST 5400.14A (NOTAL)
(c) U.S. Navy Regulations, 1991

1102. CONCEPT. Area coordination, as defined in references (a) and (b), provides a horizontal overview of shore activities and the relationships between such activities. This ensures a coordinated shore establishment to support the fleet, shore activities, and personnel in the naval service.

1103. RESPONSIBILITIES

a. Navy shore activities shall consider assistance and support to the area coordinator as an integral part of their mission.

b. Although command authorities have responsibility for internal affairs of their activities, area coordinators can expect staff assistance, support, and participation from all Navy shore activities assigned, within the constraints of available resources. Area coordinators may direct consultation to seek agreement, but do not have authority to direct implementation.

c. When area coordination matters cannot be resolved at the local level, they will be referred to the Chief of Naval Operations via the area coordination chain, with copies to the officials assigned command over the affected activities.

d. Commanding officers of shore activities ordered to report to CNET for area coordination purposes shall report to the appropriate regional area coordinator as listed in section 2 of this chapter.

e. Heads of detachments whose parent activities are located in a different coordination area shall report to the regional area coordinator of the area in which located for area coordination purposes.

f. CNET area coordinators shall conduct liaison with commanders of shore activities, as appropriate, on area coordination matters. The appropriate Marine Corps commanders shall be kept informed of any area coordination actions initiated which affect Marine Corps stations or facilities.

g. Commanding officers of shore activities shall ensure that their local or regional area coordinators to which assigned are aware of activity mission and functions, inter-activity support arrangements, general manning levels, detachments in the area, and planned significant changes thereto.

1104. FUNCTIONS

a. Regional area coordinators, in accordance with reference (a), are assigned the following responsibilities for shore activities and persons in the naval service located ashore, except as modified in article 1104b for shore activities in the chain of command of the Commandant of the Marine Corps.

(1) Represent and act for the Secretary of the Navy and the Chief of Naval Operations on such matters as may be assigned.

(2) Develop directives to reflect area coordination plans for the area assigned, including assignments of responsibility to shore activities, based on the technical and professional capability and mission of such shore activities.

(3) Direct the efforts of shore activities to ensure coordinated area support and services to the Operating Forces of the Navy, and other naval activities and personnel as applicable.

(4) Initiate actions to effect improvements and economies in naval complexes, including consolidation of common services.

(5) Coordinate participation in negotiations and joint efforts with other military services, other Federal Government agencies, and state and local governments.

(6) Submit concurrent fitness reports, where appropriate, for commanding officers of activities under their area coordination.

b. In exercising any area coordination authority over Marine Corps activities in the chain of command of the Commandant of the Marine Corps, area coordinators shall be guided by reference (b), and shall be limited to the following area coordination functions:

(1) Initiation of appropriate actions in cases where complexes of activities which include Marine Corps activities in the chain of command of the Commandant of the Marine Corps can be improved, including consolidation of common services.

(2) Coordination of naval military administration, as defined in reference (c), except for those matters which are the responsibility of the Commandant of the Marine Corps.

(3) Assignment to perform tasks resulting from requirements imposed on the Navy by non-naval sources, including the provision of support for the conduct of joint exercises.

(4) Evaluation of activities and review of those matters under the cognizance of the area coordinator.

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CHAPTER 1

AREA COORDINATION - GENERAL

Section 2 - Regional and Local Area Coordinators1201. DELEGATION OF AREA COORDINATION AUTHORITY

a. CNET is responsible for area coordination over all naval shore activities and all persons in the naval service located ashore in the east and west central regions of the United States.

b. The geographic area assigned to CNET is divided into three regions. Officials delegated area coordination authority over such regions are called regional area coordinators. Within the regions, area coordination authority is delegated to officials for certain localities or areas. These officials are called local area coordinators.

c. Regional area coordinators under CNET shall report to CNET as area coordinator for area coordination functions assigned. Local area coordinators shall report to the appropriate regional area coordinator for assigned area coordination functions.

d. CNET regional and local area coordinators and assigned areas follow:

REGIONAL/LOCAL AREA COORDINATORSAREAS1. Regional Area Coordinator

Chief of Naval Education
and Training

Florida (Panhandle,
including counties of
Walton, Holmes,
Washington, Bay,
Jackson, Calhoun, and
Gulf), Alabama,
Mississippi, Tennessee,
Kentucky, and West
Virginia

a. Local Area Coordinator

Commanding Officer
Naval Air Station
Pensacola, FL

Naval activities in the
Pensacola area includ-
ing Saufley and Corry
Station, and Hurlburt
Field, FL, and Mobile,
AL areas

- b. Local Area Coordinator
Commanding Officer
Naval Air Station
Whiting Field, Milton, FL
Naval activities in the
Milton area
- c. Local Area Coordinator
Commanding Officer
Coastal Systems Station
Dahlgren Division
Naval Surface Warfare Center
Panama City, FL
Naval activities in the
Panama City area
- d. Local Area Coordinator
Commanding Officer
Naval Air Station
Meridian, MS
Naval activities in
Mississippi (less
Pascagoula, Bay St.
Louis, Gulfport,
Biloxi, and Harrison
County) and Alabama
(less Mobile)
- e. Local Area Coordinator
Supervisor of Shipbuilding,
Conversion, and Repair, USN
Pascagoula, MS
Naval activities in the
Pascagoula area
- f. Local Area Coordinator
Commanding Officer
Naval Construction Battalion
Center
Gulfport, MS
Naval activities in
Gulfport, Biloxi, and
Harrison County
- g. Local Area Coordinator
Commander
Naval Meteorology and
Oceanography Command
Bay St. Louis, MS
Naval activities in the
Bay St. Louis area
- h. Local Area Coordinator
Commanding Officer
Naval Support Activity
Memphis, Millington, TN
Naval activities in
Tennessee
- i. Local Area Coordinator
Commanding Officer
Naval Security Group Activity
Sugar Grove, WV
Naval activities in
West Virginia and
Kentucky

2. Regional Area Coordinator

- | | |
|--|--|
| Chief of Naval Air Training | Texas, Arizona, New Mexico, Colorado, Utah, Idaho, Montana, and Wyoming |
| | |
| a. <u>Local Area Coordinator</u> | |
| Commanding Officer
Navy and Marine Corps Reserve
Readiness Center
Phoenix, AZ | Naval activities in
Arizona |
| b. <u>Local Area Coordinator</u> | |
| Commanding Officer
Naval and Marine Corps
Reserve Readiness Center
Aurora, CO | Naval activities in
Colorado |
| c. <u>Local Area Coordinator</u> | |
| Commanding Officer
Naval and Marine Corps Reserve
Center
Boise, ID | Naval activities in
Idaho and Montana |
| d. <u>Local Area Coordinator</u> | |
| Commanding Officer
Naval and Marine Corps Reserve
Center
Albuquerque, NM | Naval activities in
New Mexico |
| e. <u>Local Area Coordinator</u> | |
| Commanding Officer
Naval Air Station
Dallas, TX | Naval activities in
Texas north of 32
degrees |
| f. <u>Local Area Coordinator</u> | |
| Officer in Charge
Naval Technical Training
Center Detachment
(San Angelo, TX)
Goodfellow AFB, TX | Naval activities in
Texas south of 32
degrees and west of 100
degrees |

- g. Local Area Coordinator
Commanding Officer
Naval Air Station
Corpus Christi, TX
Naval activities in
Texas south of 32
degrees and east of 100
degrees
- h. Local Area Coordinator
Commanding Officer
Naval and Marine Corps
Reserve Readiness Center
Salt Lake City, UT
Naval activities in
Utah
- i. Local Area Coordinator
Commanding Officer
Naval Reserve Center
Cheyenne, WY
Naval activities in
Wyoming
- 3. Regional Area Coordinator
Commander
Naval Training Center
Great Lakes, IL
Illinois, Indiana,
Michigan, Ohio, and
Wisconsin

CHAPTER 2

UNIFORM POLICY

Section 1 - U.S. Navy Uniform Policy
for Activities Under the Area Coordination of CNET2101. BASIC DIRECTIVE

Ref: (a) U.S. Navy Uniform Regulations, 1991

2102. APPENDIXES

- A. Uniform Categories
- B. Guidance for Military Attire
- C. Guidance for Civilian Attire
- D. Prescribed Navy Uniforms for Activities in Northwest Florida, Alabama, Mississippi, Tennessee, Kentucky, and West Virginia for Summer and Winter Periods

2103. GENERAL. Navy personnel shall wear the uniform of their respective rate or rank as prescribed by the designated prescribing authority. Personnel at all levels shall ensure that their appearance, and that of their subordinates, conforms to the standards stated in reference (a) and this directive.

2104. PRESCRIBING AUTHORITY. As stated in reference (a), the regional area coordinator is the prescribing authority responsible for promulgating the controlling uniform policy within the geographic limits of the region assigned. The senior naval officer assigned to any joint command within the region of responsibility may prescribe the appropriate uniform for attached naval personnel using Table of Service Equivalent Uniforms, in reference (a).

2105. APPLICABILITY. The provisions of appendices C and D in this chapter apply to U.S. Navy personnel at naval activities in CNET's regional area of coordination (Florida (Pensacola/Panama City - Zip 324-325), Alabama, and Mississippi, Tennessee, Kentucky, and West Virginia).

2106. RESPONSIBILITY OF REGIONAL AREA COORDINATORS. Regional area coordinators under CNET (CNATRA and COMNTC Great Lakes), shall promulgate and control uniform policy within their geographic regions. Authorized uniforms must conform to reference (a).

2107. RESPONSIBILITY OF LOCAL AREA COORDINATORS. Local area coordinators will assure the widest dissemination of the uniform policy contained in this manual. Local area coordinators may modify the periods set forth below based on local weather variations, keeping CNET informed.

2108. RESPONSIBILITY OF COMMANDING OFFICERS

a. Commanders, commanding officers, and officers in charge may authorize only those uniforms and accessories for their commands which are authorized by CNET as prescribing authority.

b. Commanders, commanding officers, and officers in charge shall ensure compliance with this instruction by personnel under their command and shall direct continuous attention to the proper wearing and maintenance of the uniform.

2109. UNIFORM PERIODS. The Summer Period in CNET's regional area shall commence at 0001 on the First Monday in April; the Winter Period shall commence at 0001 on the First Monday in November.

UNIFORM CATEGORIES

1. UNIFORM OF THE DAY. The uniform of the day will normally be worn for:

- a. Watchstanding
- b. Liberty
- c. Business ashore

d. Normal work activity not meeting criteria for the working uniform

2. SERVICE DRESS UNIFORMS. Service Dress Blue or Service Dress White (Summer White for Women E-1 through E-6) as appropriate for the season are worn at all official functions where Formal Dress, Dinner Dress, or Full Dress uniforms are not prescribed by commanders and commanding officers.

3. ALTERNATE UNIFORM. This uniform may be prescribed by the regional area coordinator for the following situations:

a. Functions involving the civilian community, other than official functions for which a Service Dress uniform is prescribed.

b. Other special occasions as requested by the commanding officer which may include a specific watch station.

c. Activities within the CNET regional area of coordination are authorized to wear the alternate uniform daily as the alternate uniform of the day except that at 1800, weekends, and holidays all personnel must be in the prescribed uniform of the day with the exceptions noted in Appendix B. Weekend reservists under orders are authorized to drill in the alternate uniform of the day prescribed by the commanding officer.

4. WORKING UNIFORMS. Working uniforms are prescribed for working situations which would unduly soil dress uniforms or where dress uniforms would be inconvenient or unsafe. Working uniforms are prescribed as the uniform of the day at shore stations during normal working hours, in industrial areas, and aboard ship when at sea, and are usually permitted for shipboard personnel in port during normal working hours when deemed appropriate by the senior officer present. Command ball caps when worn with a working uniform shall be standard Navy blue fabric (black in appearance), conventional baseball style, and may bear command logos in good taste. The command name and/or designation may be embroidered or sewn in capital block letters centered on the front. With the approval of the commanding officer, working uniforms may be authorized for wear off station to commute directly to and from work and residence.

5. CEREMONIAL. Full Dress uniforms are worn for formal occasions which include official visits with honors, change of command ceremonies, foreign men-of-war and official visit ceremonies, occasions of state ceremonies and solemnities. When prescribing summer uniforms for formal military ceremonies in CNET's area of coordination, including all regional areas, participants are expected to be in Full Dress White (Summer White for female E-1 through E-6). In prescribing the uniform for military guests, judgment must determine the appropriate formality of the ceremony based on stature of participating officers and invited guests. Participation by very senior officials in government, for example, makes prescription of Service Dress White for guests appropriate. Summer White may be appropriate for guests on other occasions. If there is any doubt which uniform is appropriate, Service Dress White should be prescribed for guests. For further guidance refer to Chapter 11 - Special Uniform Situations, of reference (a).

6. PROTOCOL. Dress uniforms, Formal Dress, and Dinner Dress, are prescribed for formal and evening functions or state occasions at which civilians normally wear Evening Dress (white tie) or Dinner Dress (black tie). Specialized dress uniforms may be prescribed to meet certain unique protocol requirements (e.g., tailcoat for officers).

7. HONOR GUARDS AND SPECIAL CEREMONIAL UNITS

a. Male enlisted personnel, E-1 through E-6, participating in ceremonial units (except bands) will be attired in the Full Dress Blue or Full Dress White uniform. Participating women enlisted personnel, E-1 through E-6, will be attired in Full Dress Blue or Summer White.

b. Commanders, commanding officers, and officers in charge are directed to give their personal attention to the military appearance, smartness, and professional execution of ceremonial evolutions in which naval personnel are involved. Ceremonial evolutions are an important opportunity to build esprit de corps and increase public esteem of the Navy. There is only one standard, and that is the highest.

GUIDANCE FOR MILITARY ATTIRE**1. GENERAL REGULATIONS FOR WEARING OF UNIFORMS**

a. During normal hours, the uniform of the day is preferred; however, alternate uniforms may be authorized by regional area coordinators.

b. On holidays, Saturdays, and Sundays and after 1800 on working days, all military personnel will be in the prescribed uniform of the day or appropriate civilian attire.

(1) Personnel proceeding directly to and from on base military berthing and messing facilities after 1800 and on weekends and holidays are authorized to wear dungarees provided the uniform is complete and clean.

(2) The Working Khaki uniform is authorized for wear to and from local residences. When wearing this working uniform, personnel will remain within the limits of the vehicle when off base. The long-sleeve khaki shirt is authorized for wear only:

(a) With the Aviation Green uniform

(b) Aboard ship

(c) Where industrial conditions indicate

(3) Working uniforms are not normally worn off base; however, with the approval of the commanding officer the working uniform may be worn off station for commuting to and from work. Commuting is defined as a direct route from place of residence to place of work by means of a private vehicle. Additionally, no stops of any nature are authorized while commuting in a working uniform.

(4) Working uniforms are authorized for wear in naval commissaries, exchanges, snack bars, Personnel Support Activity Detachments, and other service type facilities during normal working hours. This authorization does not include military clubs, exchange facilities, and recreational services facilities after 1800 on normal workdays or on holidays, Saturdays, and Sundays.

(5) Commanding officers may authorize the wearing of working uniforms (including flight clothing) beyond 1800 on weekdays and on weekends when operations dictate.

(6) The blue windbreaker jacket may be worn year round with the Summer White, Winter Blue, or Winter Working Blue uniforms. It is not authorized for wear with any jumper style uniform. The khaki windbreaker jacket is authorized year round with Working Khaki or Summer Khaki uniforms. The raincoat is authorized with all uniforms.

(7) During the winter uniform period, the following outer garments are authorized for wear: overcoat (officers, CPOs, and female E-6 and below), peacoat (all E-6 and below), and reefer (all officers and CPOs). (In those areas where Summer Khaki has been prescribed, this paragraph is not applicable.)

(8) Naval aviators (pilots, flight officers, under-graduate pilots, and naval flight officers (as authorized by OPNAVINST 10126.4B) and flight surgeons) may wear leather flight jackets with Summer Khaki, Working Khaki, Winter Blue, Winter Working Blue, Aviation Working Green, and flight suits. If wearing Aviation Working Green, the option is provided to wear either the flight jacket or the green coat. Additionally, enlisted aircrewmembers in flight status are authorized to be issued and wear leather flight jackets after completing qualifications and receiving aircrew wings. Eligible enlisted aircrewmembers, E-7 through E-9, are authorized to wear leather flight jackets with Summer Khaki, Working Khaki, Winter Blue, Winter Working Blue, Aviation Working Green, and flight suits. Eligible enlisted aircrewmembers E-6 and below are authorized to wear leather flight jackets with dungarees, Winter Blue, Winter Working Blue, and flight suits. Direct point to point transit is appropriate when the flight jacket is worn to and from work. Flight clothing will normally be worn only in the immediate area of flight operations. Commanding officers should designate specific areas of clubs, messes, and berthing areas to accommodate transient personnel and others in flight clothing as required.

(9) The blue working jacket may be worn with two military organizational patches on an optional basis subject to the following: the patch of the command to which attached shall be centered on the left breast and a second unit patch of the individual's choice, acceptable to the command, may be centered on the right breast.

(10) Command ball caps when worn with the working uniform shall be standard Navy blue fabric (black in appearance) conventional baseball style and may bear command logos in good taste. The command name and/or designation may be embroidered or sewn in capital block letters centered on the front. The command ball caps may only be worn within the confines of the station.

(11) Foul weather gear is not authorized for wear outside of pier or flight line areas. In case of organized working parties such as line handlers, loading stores, tree planting details, aircraft repairs, and disaster assistance, exceptions by commanding officers are permitted. Knit watch caps may be authorized aboard ship and in immediate pier or flight line areas by commanding officers.

(12) If authorized by local area coordinators, blue garrison caps may be worn by female officers and enlisted personnel wearing the Service Dress Blue, Winter Blue, and Winter Working Blue.

(13) Personnel are authorized to wear protective clothing with the uniform while operating or riding as a passenger on any two or three-wheeled motor vehicle or while proceeding to and from parking areas to duty station. Protective clothing includes helmet (headgear), clothing, boots or heavy shoes, leather jackets, and leather gloves. Boots or heavy shoes, if worn in lieu of uniform shoes, will be of plain design. The jacket will be of plain leather or a material equal in protective qualities, unadorned except for safety markings. Leather gloves or other suitably protective gloves are authorized. Unit identification jackets or windbreakers are not considered as protective clothing. Rainsuits and snowsuits are authorized.

(14) Hard hats are not part of the Navy uniform but may be prescribed for wear in hazardous areas by proper authority.

(15) Shore patrol will not wear working uniforms.

(16) The dungaree uniform may be authorized for weekend reservists under orders who are specifically required to wear a working uniform while undergoing instruction. Orders for reservists will be used to identify personnel in a working status off base or station.

(17) All uniform items will bear ownership markings in accordance with reference (a). Dungarees sold as part of the uniform which meet the criteria of uniform certification (article 1601, reference (a)) shall not be considered appropriate civilian attire.

c. Personnel assigned to naval hospitals and naval regional dental centers, including dispensaries, are authorized to wear the Summer White or Indoor Duty White while traveling between work and local residences during summer and winter uniform periods at the discretion of the commanding officer. Indoor Duty White uniform is defined as Summer White without ribbons for both male and female medical personnel. Additionally, medical personnel are authorized to wear a raincoat, overcoat, blue windbreaker, peacoat, or reefer with the Indoor Duty White uniform.

d. The following applies for male officer and CPO uniform of the day:

(1) The Service Dress Blue uniform is authorized year round for travel and may be prescribed for wear year round to all official functions when formal dress, dinner dress, or full-dress uniforms are not prescribed and civilian dress is coat and tie.

(2) Officers and CPOs may wear short or long-sleeve white shirts with the Service Dress Blue uniform.

e. Summer Khaki uniform for males consists of khaki short sleeve shirt with ribbons and collar devices, khaki trousers, black shoes and socks, khaki belt with gold tip and buckle, and khaki cap (combination or garrison). Summer khaki uniform for females consists of khaki short sleeve shirt with ribbons and collar devices, khaki skirt or slacks, black dress or service shoes with flesh tone hosiery or black socks, khaki belt with gold tip and buckle, and khaki cap (combination or garrison).

f. Navy certified brown leather shoes and khaki socks are optional for all personnel (E-7 and above) when assigned to fleet commander defined aviation units. The following aviation designated personnel assigned to non-aviation units may wear certified brown shoes and khaki socks at discretion of unit commander:

(1) All officers with aviation designators.

(2) Qualified flight surgeons, aviation physiologists, and aviation experimental psychologists.

(3) All enlisted aviation ratings (E-7 and above). Commanders/commanding officers may direct all personnel E-7 and above to wear black shoes and socks with Summer Khaki for formation and inspections. The material for Summer Khaki uniforms will be in accordance with current uniform regulations.

g. While the Summer Khaki uniform is a practical and sensible uniform for general wear, the Summer White and Service Dress Blue uniforms are considered to be more appropriate for officer and chief petty officer recruiters who interface with a significant segment of the civilian community. Accordingly, an alternate uniform for Navy recruiters should be designated whenever the Summer Khaki uniform is prescribed. Where Summer Khaki is prescribed for winter wear vice Service Dress Blue, Summer White may be authorized as an alternate uniform for Navy recruiters.

h. All personnel may be authorized to wear the Navy blue cardigan sweater with Service Dress Blue (when coat is removed), Winter Blue, Winter Working Blue, Summer Khaki, Working Khaki, Summer White, and dungarees in office or working spaces only.

i. The Navy blue pullover sweater, with fabric epaulets, shoulder and elbow patches is approved for wear by all Navy personnel. The sweater is an optional uniform item and may be worn with Winter Blue, Winter Working Blue, Summer Khaki, Working Khaki, or dungaree uniforms. The sweater is authorized for wear onboard ship, on base or station, and direct point to point transit between home and place of duty. This sweater is not authorized off base in public places. Officers wear soft shoulder boards on epaulets; enlisted personnel (E1-E9) wear no insignia on sweater. Shirt collar will be worn outside the sweater. A velcro backed, leather name tag (2"x4") embossed with rank/rate and name is required. An earned warfare insignia may be embossed above the individual's name. Other insignia or pin on devices are not authorized.

2. Following is uniform policy for periods of travel:

a. When traveling in uniform on leave, TAD, transfer, etc., the Service Dress Blue uniform may be worn during any season of the year.

b. If traveling within a region, either the uniform of the day as prescribed for the destination, or Service Dress Blue will be worn for the entire trip.

c. If traveling between regions, either the uniform of the day as prescribed for the destination, or Service Dress Blue will be worn for the entire trip.

d. Appropriate civilian attire may be worn if traveling via commercial transportation.

3. The Service Dress Blue Maternity uniform without the jacket is not considered to be the uniform for summer wear. Summer White, Dungarees, Summer Khaki, Working Khaki, and Maternity uniforms are available for purchase and authorized for wear when prescribed.

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GUIDANCE FOR CIVILIAN ATTIRE

1. The following guidance concerning the wearing of civilian attire has been established:

a. Whenever civilian clothing is worn, naval personnel shall ensure that their dress and personal appearance are appropriate for the occasion and location, thereby enhancing the image of military personnel and base installations. The naval service is an honorable profession, and pride in appearance, whether in uniform or civilian attire, is an expression of this pride and dedication to military service. Since military personnel are accountable for the actions of their dependents, it follows that they are responsible for civilian attire worn by their dependents on board any naval activity, be it ship or station. Personnel 13 years of age or older, including dependents, retirees, guests, and government service employees, are required to conform to the proper dress code.

b. Dirty, ragged, torn, or provocative clothing is not appropriate in any environment and is not permitted. When transiting gates, arriving on or departing from ships, while aboard ship or on base, and when using facilities such as Navy exchanges, commissaries, dining halls, recreational services activities, and other general use facilities in civilian attire, current styles are authorized with the exception of extremely short shorts, white undershirts as outer garments, dungarees with ownership markings, outer clothing with lewd or profane words or pictures, and uncovered hair rollers. Clothing or athletic attire which is extremely dirty, or sweat soaked or torn and mutilated, will not be permitted. Some type of footwear must also be worn. All personnel shall present themselves in a manner reflecting a prideful, unprovocative, and neat appearance. Those not meeting these standards may be denied access to the facilities.

c. Standard athletic and recreation attire is authorized while proceeding to and from an event and during participation. Swimming attire will be worn only in the areas of the pools, beaches, boating facilities, and sunbathing areas in the vicinity of quarters, and while proceeding to and from ships, quarters, and gates in enclosed private vehicles provided the swimming attire includes a shirt.

d. Only those articles of the military uniform which do not present a unique marking or a distinct naval appearance, such as shoes, underwear, etc., may be worn with civilian attire by military personnel. Peacoats, with or without rating badges, overcoats, flight jackets, foul weather jackets, and other organizational type clothing are not authorized for wear with civilian attire. Dungarees, worn as part of the proper uniform, are to be stenciled in accordance with the Navy Uniform Regulations and are not to be worn as civilian attire.

2. Recognizing the diversity of civilian clothing styles, specific standards are difficult to establish. It is, therefore, incumbent upon all naval personnel, retirees, dependents, and civilian employees to exercise good judgment and common sense in achieving an acceptable appearance.

**PRESCRIBED NAVY UNIFORMS FOR ACTIVITIES IN NORTHWEST FLORIDA,
ALABAMA, MISSISSIPPI, TENNESSEE, KENTUCKY, AND WEST VIRGINIA
FOR THE SUMMER PERIOD COMMENCING
THE FIRST MONDAY IN APRIL**

	<u>Uniform of the Day</u>	<u>Alternate Uniform</u>	<u>Service Dress</u>	<u>Working</u>	<u>Ceremonial</u>	<u>Protocol</u>
Officers						
Male	SW	SK	SDW	WK	FDW	DDW/DDWJ
Female	SW	SK (slacks authorized)	SDW	WK (slacks authorized)	FDW	DDW/DDWJ
CPOs						
Male	SW	SK	SDW	WK	FDW	DDW/DDWJ
Female	SW	SK (slacks authorized)	SDW	WK (slacks authorized)	FDW	DDW/DDWJ
E1-E6						
Male	SDW	SW	SDW	D	FDW	DDW
Female	SW	SW (slacks authorized)	SW (skirt prescribed)	D	SW (skirt prescribed)	TDDB

NOTES

1. SK - Summer Khaki
- SW - Summer White
- SDW - Service Dress White
- WK - Working Khaki
- FDW - Full Dress White
- DDW - Dinner Dress White
- DDWJ - Dinner Dress White Jacket (Officer & CPO)
- TDDB - Tropical Dinner Dress Blue
- D - Dungaree

**PRESCRIBED NAVY UNIFORMS FOR ACTIVITIES IN NORTHWEST FLORIDA,
ALABAMA, MISSISSIPPI, TENNESSEE, KENTUCKY, AND WEST VIRGINIA
FOR THE WINTER PERIOD COMMENCING
THE FIRST MONDAY IN NOVEMBER**

	<u>Uniform of the Day</u>	<u>Alternate Uniform</u>	<u>Service Dress</u>	<u>Working</u>	<u>Ceremonial</u>	<u>Protocol</u>
<u>Officers</u>						
Male	SDB	SK/WB	SDB	WK/WB (Note 1)	FDB	DDB/DDBJ
Female	SDB	SK/WB (slacks authorized)	SDB	WK/WB (Note 1) (slacks authorized)	FDB (skirt prescribed)	DDB/DDBJ
<u>CPOs</u>						
Male	SDB	SK/WB	SDB	WK/WB (Note 1)	FDB	DDB/DDBJ
Female	SDB	SK/WB (slacks authorized)	SDB	WK/WB (Note 1) (slacks authorized)	FDB (skirt prescribed)	DDB/DDBJ
<u>E1-E6</u>						
Male	SDB	WB	SDB	D/WB (Note 1)	FDB	DDB
Female	SDB	WB (slacks authorized)	SDB	D/WB (Note 1) (slacks prescribed)	FDB (skirt prescribed)	DDB

NOTES

1. Commanding officers may prescribe WWB as working uniform for the local area in lieu of WK/WB/D. At the individual's discretion aviation specialities may wear Aviation Green in lieu of WK.
2. WB - Winter Blue
SDB - Service Dress Blue
FDB - Full Dress Blue
WK - Working Khaki
SK - Summer Khaki
DDB - Dinner Dress Blue
DDBJ - Dinner Dress Blue Jacket (Officer & CPO)
DDB - Dinner Dress Blue (E1-E6 male)

CHAPTER 2**UNIFORM POLICY****Section 2 - U.S. Marine Corps Uniform Policy
for Activities Under the Area Coordination of CNET**2201. BASIC DIRECTIVE

Ref: (a) Marine Corps Uniform Regulations

2202. APPENDIXES

- A. Marine Corps Uniform Policy
- B. Guidance for Equivalent Marine Corps/Navy Uniforms
- C. Guidance for Civilian Attire

2203. Commanding officers, officers in charge, and senior Marine representatives shall ensure compliance with this instruction by personnel under their command and shall direct continual attention to the proper wearing and maintenance of the uniform. Personnel at all levels shall ensure that their appearance, and that of their subordinates, conforms to the standards stated in reference (a) and this directive.

2204. Commanding officers, officers in charge, and senior Marine representatives may prescribe alternate uniforms of the day for specific occasions. The intent of this directive is to allow alternate uniforms only under prescribed conditions, not at the option of the wearer. It is further intended to avoid requiring personnel to change uniforms during the day.

2205. Local area coordinators, as designated in chapter 1, may modify the periods set forth in appendix A based on area weather conditions.

2206. Appendixes B and C set forth uniform equivalent categories and guidance for civilian attire.

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MARINE CORPS UNIFORM POLICY

1. GENERAL. The Marine Corps uniform and the wearing of it should be a matter of pride. The appearance of personnel under this command shall set an example of neatness and dignity. Appendix B of this section will be used by Marines when Navy uniforms are prescribed.

2. UNIFORM SEASONS. The summer and winter uniform periods for CNET's regional area of coordination are as stated in Section 1, Appendix D, of this chapter.

3. POLICY AND REGULATIONS FOR MALE OFFICERS AND ENLISTED MEN

a. Dress Uniforms. The dress uniform is worn when prescribed, or when appropriate, for ceremonial and appropriate social functions.

b. Uniform of the Day. The uniform of the day year-round for all male personnel shall be the lightweight polyester/wool green trousers or winter trousers and the quarter length sleeve khaki shirt (seasonal service "C"). This uniform is prescribed for normal office work, duty watches, liberty, and official business ashore.

c. Service Uniforms

(1) The seasonal service "A" uniform will be worn for appropriate occasions specified in reference (a).

(2) The seasonal service "B" uniform may be worn on military installations and for commuting to and from work.

4. POLICY AND REGULATIONS FOR WOMEN OFFICERS AND ENLISTED WOMEN

a. Dress Uniforms. The dress uniform is worn when prescribed, or when appropriate, for ceremonial and appropriate social functions.

b. Uniform of the Day. The uniform of the day year-round for all female personnel shall be seasonal service "C" with skirt or slacks. The wear of slacks with the service uniform will be limited to duty hours and movement to and from domicile. Slacks will not be worn on occasions for which the service skirt would be more appropriate. Service slacks are not authorized for leave or liberty except when traveling via DOD-owned or controlled aircraft, including movement to and from domicile.

c. Service Uniforms

(1) The seasonal service "A" uniform will be worn for appropriate occasions specified in reference (a).

(2) The green service "B" uniform may be worn on military installations and for commuting to and from work.

5. FLIGHT CLOTHING. Marines assigned to this command will comply with the host Navy command's instructions as they apply to the wearing of flight clothing, except:

a. Flight Jacket. The flight jacket is authorized for wear with the service uniform only by those personnel who have been properly issued and required to maintain an authorized flight jacket. The flight jacket may be worn with the service "B" and "C" uniforms, with or without the sweater. These uniform combinations will only be worn on base, or while traveling in a private/government vehicle between military facilities or to and from a domicile. While traveling outside a military installation, no stops will be permitted.

(1) The flight jacket is not authorized for wear on leave or liberty.

(2) The flight jacket is not a replacement for the service "A" coat and shall not be worn under circumstances when the service "A" uniform is considered appropriate.

b. Authorized Flight Jackets. Listed below are the four types of flight jackets authorized for wear with the service uniform:

(1) Jacket, flying, man's intermediate, type G-1
(leather)

(2) Jacket, suits, flying, winter (green, poopie suit liner)

(3) Jacket, flyers, cold weather, fire resistant (AFCWU-45 sage green)

(4) Jacket, flyers, cold weather, fire resistant (AFCWU-36 sage green)

c. Nametapes. Nametapes will be worn on flying suits and flight jackets. Nametapes shall be 2 inches wide by 4 inches long, made of black leather or synthetic leather material only, with hook and pile (velcro) backing. The following information will be embossed in gold on the nametape:

(1) Line 1 - Aviation breast insignia (or Marine Corps emblem if aviation breast insignia is not rated)

(2) Line 2 - Initials and last name

(3) Line 3 - Rank, component (USMC, USMCR)

6. OPTIONAL UNIFORM CLOTHING. The below listed items are authorized for wear, but are not mandatory:

a. Service Sweater (Wooley Pulley). The Wooley Pulley may be worn with the short sleeve shirt, long sleeve shirt, or camouflage utilities during duty hours and movement to and from work. When worn with the long sleeve shirt, the tie will not be worn, the top button of the shirt will be unbuttoned and the collar will be worn outside the sweater with appropriate rank insignia worn thereon. When worn with the short sleeve shirt, the collar will be worn outside the sweater with appropriate rank insignia worn thereon. When worn with the camouflage utility uniform, it will be worn underneath the camouflage coat.

b. Marines may wear the Wooley Pulley with the long sleeve or short sleeve shirt for brief stops in the civilian community for personal errands (i.e., gas stations, convenience stores, banks, etc.) during duty hours and while commuting to and from a domicile. Additionally, Marines may wear this uniform during lunchtime to off-base restaurants.

c. Commanders are authorized to prescribe or allow wearing the service uniform with sweaters for inspections.

d. The sweater is not authorized for wear on leave or liberty, nor will it be worn in ceremonial formations, or parades on or off base. Additionally, the sweater is not authorized for wear with the blue dress "C" or "D" uniform.

e. Field Coat. The field coat is issued to enlisted personnel and may be worn, provided it is serviceable and clean, with the utility uniform only. Wearing of field jackets will be confined to the limits of military installations and to and from quarters, with no stops enroute.

7. EYEGLASSES/SUNGLASSES. Sunglasses may be worn on leave, liberty, and in garrison but not in formation with troops. When in uniform they will not be worn on the top of the head. Additionally, sunglasses or tinted eyeglasses may not be worn while inside a building or while performing in official Marine Corps functions such as color guard or burial details, unless prescribed by medical authorities. Eyeglasses and sunglasses should be conservative in shape and appearance. Two-toned or multi-colored frames are considered conspicuous. Likewise, eccentric or conspicuous eyepieces are prohibited. Lens sizes smaller than 44mm or larger than 58mm are considered eccentric. Chains or ribbons will not be attached to eyeglasses.

8. CAMOUFLAGE UTILITIES. The camouflage utility uniform is not authorized for wear except when in the field, for field type exercises, or for those work conditions wherein it is not practical to wear the service uniform.

CNETINST 5400.2C

9. ~~CIVILIAN ATTIRE~~. Marine Corps personnel will be associated and identified with the Marine Corps even when not wearing a uniform. Accordingly, whenever civilian clothing is worn, Marines should ensure that their dress and personal appearance are neat and commensurate with the high standards traditionally associated with Marine Corps personnel.

GUIDANCE FOR EQUIVALENT MARINE CORPS/NAVY UNIFORMS

<u>Marine Corps Uniforms</u>	<u>Summer Period Each Region</u>	<u>Winter Period Each Region</u>	<u>Navy Uniforms</u>
Evening Dress "A"	P	P	Formal Dress
Evening Dress "B"		P	Dinner Dress Blue Jacket
Mess Dress	P		Dinner Dress White Jacket
Dress Blue "B"		P	Dinner Dress Blue
White Dress "B"	P		Dinner Dress White
Blue Dress "A"		P	Full Dress Blue
Blue - White Dress "A"		A	Full Dress Blue
White Dress "A"	P		Full Dress White
Blue - White Dress "A"	A		Full Dress White
White Dress "B"	P		Service Dress White
White Service "A"		P	Service Dress Blue
Blue Dress "B"		A	Service Dress Blue
Summer Service "A"	P		Service Dress White
White Dress "B"	A		Service Dress Blue
Summer Service "C"	P		Summer White
Blue Dress "D" (Honors and Ceremonies)	A	A	Summer White
Summer Service "B"	P		Summer Blue
Summer Service "C"	P	P	Working Khaki
Winter Service "B"		P	Winter Blue
Winter Service "C"		P	Winter Working Blue
Utility	P	P	Dungaree Working

P - Normally prescribed

A - Appropriate alternate, in lieu of prescribed uniform when specified by competent authority

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GUIDANCE FOR CIVILIAN ATTIRE

1. The following guidance concerning the wearing of civilian attire has been established:

a. Whenever civilian clothing is worn, Marines shall ensure that their dress and personal appearance are appropriate for the occasion and location, thereby enhancing the image of military personnel and base installations. Pride in appearance, whether in uniform or civilian attire, is an expression of this pride and dedication to the Marine Corps. Since military personnel are accountable for the actions of their dependents, it follows that they are responsible for civilian attire worn by their dependents on board any naval activity, be it ship or station. Personnel 13 years of age or older, including dependents, retirees, guests, and government service employees, are required to conform to the proper dress code.

b. Dirty, ragged, torn, or provocative clothing is not appropriate in any environment and is not permitted. When transiting gates, arriving on or departing from ships, while aboard ship or on base, and when using facilities such as Navy exchanges, commissaries, dining halls, recreational services activities, and other general use facilities in civilian attire, current styles are authorized with the exception of extremely short shorts, white undershirts as outer garments, outer clothing with lewd or profane words or pictures, and uncovered hair rollers. Clothing or athletic attire which is extremely dirty, or sweat soaked or torn and mutilated, will not be permitted. Some type of footwear must also be worn. All personnel shall present themselves in a manner reflecting a prideful, unprovocative, and neat appearance. Those not meeting these standards may be denied access to the facilities.

c. Standard athletic and recreation attire is authorized while proceeding to and from an event and during participation. Male personnel may remove their shirts while engaged in indoor athletic activities, on authorized athletic fields, and while jogging on designated jogging trails. Swimming attire will be worn only in the areas of the pools, beaches, boating facilities, and sunbathing areas in the vicinity of quarters, and while proceeding to and from ships, quarters, and gates in enclosed private vehicles provided the swimming attire includes a shirt.

d. Only those articles of the military uniform which do not present a unique marking or a distinct Marine Corps appearance, such as shoes, underwear, etc., may be worn with civilian attire by military personnel. Field jackets, overcoats, flight jackets, and other organizational type clothing are not authorized for wear with civilian attire.

2. Recognizing the diversity of civilian clothing styles, specific standards are difficult to establish. It is, therefore, incumbent upon all Marines, retirees, and dependents to exercise good judgment and common sense in achieving an acceptable appearance.

CHAPTER 3

ADMINISTRATION OF NAVAL JUSTICE AND LEGAL MATTERS

Section 1 - General

3101. BASIC DIRECTIVES

Ref: (a) JAGMAN
(b) UCMJ
(c) SECNAVINST 1920.6A
(d) OPNAVINST 5810.4
(e) CNETINST 1610.2

3102. RESPONSIBILITIES OF REGIONAL AREA COORDINATORS

a. Regional area coordinators will act as general courts-martial convening authority for commands in the Navy chain of command in their geographic regions. Pursuant to reference (a), and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the commanding officer of a command within the region, regional area coordinators will perform all the legal and quasilegal functions normally performed by a general courts-martial convening authority including, but not limited to, the following:

(1) convening and taking action on general courts-martial (see Section 5 of this chapter);

(2) providing for the review of courts-martial for which there is no appellate review (see Section 5 of this chapter);

(3) reviewing appeals from nonjudicial punishment under article 15 of reference (b) (see Section 4 of this chapter);

(4) review of line of duty/misconduct investigations convened pursuant to Chapter II, reference (a), and review of such other Judge Advocate General Manual (JAGMAN) investigations in which there is a direct official interest as set forth in reference (a);

(5) ruling on requests by subordinate commands to refer personnel to nonjudicial punishment and courts-martial whose cases have been previously adjudicated in domestic or foreign criminal courts under criteria set forth in Sections 0108b and 0124 of reference (a);

(6) providing for the review of pretrial confinement (see Section 2 of this chapter);

(7) determination of requests for other than honorable discharges in lieu of court-martial (see Section 3 of this chapter);

(8) convening boards of inquiry pursuant to the provisions of reference (c);

(9) submission of the quarterly Criminal Activity, Disciplinary Infractions and Court-Martial Report (NAVJAG 5800/9);

(10) closely monitoring courts-martial tried within their areas in order that the management goals set forth in reference (d) are met. Timely corrective action must be taken in the event that processing time management goals are exceeded.

3103. REPORT OF OFFICER MISCONDUCT

a. CNET requires notification to CNET of all apparent misconduct in military or civilian contexts (other than minor civilian traffic offenses) by any commissioned officer within CNET area of responsibility as regional area coordinator. Commands shall submit initial reports promptly and without waiting for a final disposition of charges. Commands shall ensure that the chain of command is notified. See reference (e).

b. Reports should be made by the fastest method using telephone, facsimile, or message and making sure that all commands in the chain of command are notified. Reports should be made to CNET Staff Judge Advocate or, after hours, to the Staff Duty Officer. Extreme care must be exercised in reporting these matters to make sure that unwarranted disclosures do not occur.

c. No interference is intended with the prerogatives of subordinate commanders, commanding officers and officers in charge in processing administrative, disciplinary, and military justice matters.

CHAPTER 3**ADMINISTRATION OF NAVAL JUSTICE AND LEGAL MATTERS****Section 2 - Use of Pretrial Restraint**3201. BASIC DIRECTIVES

Ref: (a) UCMJ
(b) MCM, 1984
(c) SECNAVINST 1640.9A
(d) OPNAVINST 5810.4
(e) CNETINST 1640.2A

3202. DEFINITIONS

a. Pretrial Restraint. Pretrial restraint is moral or physical restraint on a person's liberty which is imposed before and during disposition of offenses. Pretrial restraint may consist of conditions on liberty, restriction in lieu of arrest, arrest, or confinement.

b. Conditions on Liberty. Conditions on liberty are imposed by orders directing a person to do or refrain from doing specified acts. Such conditions may be imposed in conjunction with other forms of restraint or separately. Conditions on liberty will not normally "start the clock" for purposes of determining a speedy trial.

c. Restriction in Lieu of Arrest. Restriction in lieu of arrest is the restraint of a person by oral or written orders directing the person to remain within specified limits; a restricted person shall, unless otherwise directed, perform full military duties while restricted.

d. Arrest. Arrest is the restraint of a person by oral or written order not imposed as punishment, directing the person to remain within specified limits; a person in the status of arrest may not be required to perform full military duties such as commanding or supervising personnel, serving as guard, or bearing arms. The status of arrest automatically ends when the person is placed, by the authority who ordered the arrest or a superior authority, on duty inconsistent with the status of arrest, but this shall not prevent requiring the person arrested to do ordinary cleaning or policing, or to take part in routine training and duties.

e. Confinement. Pretrial confinement is physical restraint, imposed by order of competent authority, depriving a person of freedom pending disposition of offenses.

3203. RESPONSIBILITY OF REGIONAL AREA COORDINATORS. To appoint initial review officers for service within their respective areas of coordination. To

coordinate and monitor case processing times by all commands operating within their respective area of coordination and responsibility.

3204. ~~RESPONSIBILITY OF COMMANDING OFFICERS.~~ To become knowledgeable of pertinent facts in each case and to make specific decisions regarding the pretrial restraint of members of their commands. To make written reports and requests as required by law or regulation. To provide for visitation of pretrial confinees and periodic inquiry into their health and comfort. To cause to be investigated all alleged violations of reference (a) by members of their commands and thereafter to take prompt, appropriate action to dispose of any charges.

3205. ~~GENERAL POLICY.~~ References (a) through (e), particularly Rules for Court-Martial (R.C.M.) 304 and 305 of reference (b), state the law and otherwise announce official policy in regard to the pretrial restraint of military personnel, the most significant features of which are as follows:

- a. Military pretrial restraint may only be imposed upon persons subject to trial by court-martial.
- b. No pretrial restraint may be imposed until the person ordering it has first formulated probable cause or a reasonable belief that:
 - (1) an offense triable by court-martial has been committed;
 - (2) the person to be restrained committed it;
 - (3) restraint is required by the circumstances.
- c. The type of pretrial restraint imposed must be tailored to the particular circumstances of each case. No more severe form of restraint will be used than is clearly necessary.
- d. Pretrial restraint may not be used as punishment.
- e. When pretrial confinement is imposed, the person confined shall be promptly informed of the nature of the offense and of his or her rights, including those relating to counsel.

3206. ~~DISCUSSION.~~ The decision to impose pretrial restraint must be based upon the restraining authority's own conclusion as to a reasonable belief or "probable cause." The form or type of restriction selected may be no more severe than the circumstances clearly require. More severe forms of restraint should not even be considered until all of the lesser forms of restraint have been tried or have been eliminated as unfeasible. Confinement should only be imposed in cases of

serious offenses and where the accused is a clear "flight risk" or might foreseeably engage in further serious criminal misconduct. The charges prompting confinement should ordinarily be serious enough to warrant a special or general court-martial and a federal criminal conviction. Whether a person is a flight risk should be gauged from the total circumstances including, but not necessarily limited to, whether the person surrendered or was apprehended, whether the person has a stake in a military career or the community, the nature of the offense, what may happen at a court-martial, whether the evidence is strong or weak, and the accused's prior record. This list is, of course, merely illustrative. Other factors may appeal to judgment in a particular case. In marginal cases, the policy of the Navy is that the government will accept a slight risk that the accused will absent himself or herself prior to trial. Foreseeable serious criminal misconduct, as used above, would include likely offenses against witnesses, crimes of violence, and serious offenses against property. It would not include military offenses such as disrespect or minor order violations. In the case of an accused who is "a pain in the neck" (i.e., likely to engage in repeated but minor military violations), confinement is not authorized. Pretrial restraint is not an authorized form of punishment and great care should be exercised in avoiding an appearance of misusing it as such.

3207. GENERAL PROCEDURES

a. R.C.M. 304 and 305 of reference (b) authorized certain personnel to impose certain types of pretrial restraint. Generally speaking, only a commanding officer may impose restraint upon officers or civilians and only commissioned officers and specifically authorized petty officers may impose restraint upon enlisted personnel. Note that "apprehensions," which are the equivalent of "arrests" in the civilian community, are not the same thing as pretrial restraint or any of its forms and are otherwise provided for in R.C.M. 302 of reference (b). Moreover, the "arrest" authorized as a form of pretrial restraint is not the same thing as an "arrest" in the civilian community.

b. Pretrial restraint (other than pretrial confinement) is imposed by notifying the restrainee, either verbally or in writing, of the restraint and its terms or limits. Pretrial confinement is imposed pursuant to orders by a competent authority and delivery of the confinee to a place of confinement.

c. When a person is placed under restraint, he or she must be informed of the nature of the offense for which the restraint is being imposed. If the form of restraint is confinement, the accused must also be advised of the following:

(1) that he or she has a right to remain silent;

(2) that any statement he or she makes may be used against him or her;

(3) that he or she has the right to retain civilian counsel at no expense to the United States, and the right to request assignment of military counsel;

(4) that certain procedures will be used in reviewing the confinement decision and what they entail.

3208. PRETRIAL CONFINEMENT PROCEDURES

a. Commanders should personally make the initial pretrial confinement decision when at all possible.

b. When someone other than the detainee's commanding officer initiates confinement, that person shall, within 24 hours after confinement, advise the detainee's commanding officer of the name of the accused, the offense(s) charged, and the name of the person who authorized or ordered confinement. The commanding officer must, within 48 hours of initiation of confinement, conduct a probable cause review and memorialize his/her decision in writing. In cases where the commanding officer is not "neutral and detached," another commander, normally the superior in the chain of command, must conduct a probable cause review within 48 hours of initiation of confinement and memorialize his/her decision in writing. A commander is not "neutral and detached" if he/she: (1) is intimately involved in a criminal investigation of the accused, or (2) has a personal, vice official, interest in the matter.

c. Within 72 hours of confinement, the commanding officer must decide whether pretrial confinement will continue. The commanding officer shall consider the specifics of the case in the light of the same criteria as were used in the initial determination, and unless the commanding officer reaches the same conclusions on probable cause and necessity, the confinee must be released. Lesser forms of pretrial restraint may be substituted for confinement if they are justified in the particular circumstances of the case. If pretrial confinement is continued, the commander's reasons must be put into the form of a written memorandum and forwarded to the initial review officer (via the Office of the Staff Judge Advocate of the installation where the Brig is located) in sufficient time to be delivered within 4 days after imposition of pretrial confinement.

d. Within 7 days of the imposition of confinement, an initial review officer, appointed by the general court-martial convening authority, will review the commanding officer's memorandum and other pertinent evidence, including that offered by the confinee or his counsel. The reviewing officer's findings shall also be reduced to a written memorandum and retained in record systems designed for that purpose.

e. As soon as charges are referred, the military judge acquires jurisdiction to hear motions relating to pretrial confinement. The military judge is authorized to grant appropriate relief, including administrative credit for confinement, or release.

f. Once either the commanding officer, initial review officer, or military judge makes a decision that confinement is not warranted, it may not be reimposed or reconsidered unless newly- discovered evidence, either alone or in conjunction with evidence previously considered, justifies confinement or reconfinement.

g. The accused and his counsel may participate in the confinement review process. So may the command.

h. The initial review officer or military judge may reconsider confinement decisions upon appropriate notice and request. The commanding officer is responsible for the ongoing evaluation of confinement decisions for as long as the confinement lasts and may reconsider the decision and terminate confinement at any time.

i. Article 7208 of reference (c) requires the commanding officer to establish a visitation procedure for each member of the command in pretrial confinement. This visit should be made by the commanding officer personally, but a designee may be used in some circumstances. Care should be exercised in appointment of representatives who might later be needed as court-martial members. Chaplains may not serve as a commanding officer's designee for this required visitation but will make such visitations for their own purposes as the circumstances dictate.

3209. **CAVEAT.** The foregoing represents an effort to consolidate and highlight all of the more important aspects of pretrial restraint. This, of necessity, involves some selective paraphrasing and interpretation, and although these views may have some persuasive weight, they are not binding on the military courts. Those personnel actually involved in pretrial restraint determinations and proceedings should become fully familiar with the basic directives listed in article 3201, and monitor those court decisions which interpret and apply them from time to time.

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CHAPTER 3

ADMINISTRATION OF NAVAL JUSTICE AND LEGAL MATTERS

Section 3 - Submission of Requests for Other Than Honorable Discharges for the Good of the Service

3301. BASIC DIRECTIVES

Ref: (a) MILPERSMAN
(b) NAVADMIN 03/94
(c) MCM, 1984
(d) SECNAVINST 1920.6A

3302. RESPONSIBILITY OF REGIONAL AREA COORDINATORS. To provide guidance for uniformity in processing requests for other than honorable discharges for the good of the service within CNET's area of coordination.

3303. RESPONSIBILITY OF COMMANDING OFFICERS. To ensure timely forwarding of such requests to the officer exercising general courts-martial jurisdiction over the member concerned with the commanding officer's recommendation and all pertinent information considered in formulating such recommendation.

3304. GENERAL GUIDANCE. Article 3630650 of reference (a) sets out the procedures required for processing enlisted personnel for separation in lieu of trial by court-martial, and specifies that:

a. The officer exercising general court-martial convening authority over the member is authorized to approve or disapprove requests for separation in lieu of trial by court-martial.

NOTE: In accordance with paragraph 7G of reference (b); however, CHNAVPERs is the separation authority in all cases involving homosexual conduct.

b. Commanding officers exercising special court-martial convening authority may approve Other Than Honorable discharges for enlisted members who: (1) have been UA for more than 30 days, (2) have been declared deserters, (3) have been returned to naval military control, and (4) are charged only with UA for more than 30 days.

3305. POLICY. A request for an other than honorable discharge is considered in accordance with the criteria set forth in reference (a). It is emphasized that a request should not be submitted unless the offense or offenses which have been preferred are triable by a court-martial and punishable by a punitive discharge under pertinent provisions of reference (c).

3306. **ACTION.** The following factors are suggestive of the type of information that should be considered by the individual's commanding officer and forwarded to the officer exercising general courts-martial jurisdiction over the member:

- a. disciplinary history - include copies of records of nonjudicial punishment, civilian convictions, and courts-martial from the service record of the accused;
- b. performance evaluations from the service record - submit copies of evaluations or set forth performance marks and summarize comments;
- c. service schools attended and information as to the accused's performance therein;
- d. response of accused, if any, to any counselling by CO, XO, department head, division officer, and senior enlisted personnel;
- e. if the accused has been personally interviewed by the CO, XO, etc., concerning the request for an other than honorable discharge, a summarization of that interview should be included;
- f. CO's evaluation of accused's performance, attitude, contribution to unit mission, probability of further useful service, etc., and the specific facts on which such evaluation is based.
- g. if the accused is in pretrial confinement or on restriction, evaluations of performance and attitude while so restrained should be submitted.
- h. a report of medical examination and either an opinion from the medical officer that a psychiatric evaluation is not warranted or a copy of the psychiatric evaluation.

3307. **TIMING.** An other than honorable discharge in lieu of court-martial is a means of sparing the government considerable expense in an otherwise deserving case. Timely forwarding of these requests is strongly encouraged. On the other hand, an unexplained delay in initiating a request may be viewed as a dilatory tactic and distract from the merit of a request.

3308. **SUMMARY.** It is necessary that all available relevant information be forwarded with each request for a discharge under other than honorable conditions for the good of the service in lieu of trial by court-martial. The command should evaluate the request to ensure that the decision to recommend approval or disapproval is based upon a complete analysis of all pertinent factors and a thorough review of the accused's overall record. Some factors

which should be considered include the amount and extent of training received by the accused; prior disciplinary history; a summary of performance evaluations; the extent and any

rehabilitative results of any counselling received; the nature of the present offenses of which the accused is charged; any personal or family problems of which the command is aware; the case of prosecution of the offenses charged; the probability of an award of a punitive discharge; the existence of any medical or psychological problems; and the extent of any prior service. Whatever the recommendation, the command should set forth in detail the justification for it, referring to specific facts established by the documents forwarded with the request.

3309. ~~OFFICER CASES~~. When the accused is a commissioned officer, Article 3630650 of reference (a) does not apply. However, an officer facing court-martial charges may request permission to resign for the good of the service and to escape trial by general court-martial. See references (c) and (d). If the charged offense involves certain types of misconduct such as drug abuse or homosexual conduct, other instructions or notices, usually in the 1920 series, may be applicable.

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CHAPTER 3**ADMINISTRATION OF NAVAL JUSTICE AND LEGAL MATTERS (A)****Section 4 - Enlisted Administrative Separations**3401. BASIC DIRECTIVES

Ref: (a) MILPERSMAN
(b) NAVADMIN 031/95
(c) NAVADMIN 140/96

3402. RESPONSIBILITY OF REGIONAL AREA COORDINATORS. To provide guidance for uniformity in processing requests for administrative separation for other than honorable discharges for the good of the service within CNET's area of coordination.

3403. RESPONSIBILITY OF COMMANDING OFFICERS. To ensure timely forwarding of such requests to the officer exercising general courts-martial jurisdiction over the member concerned with the commanding officer's recommendation and all pertinent information considered in formulating such recommendation.

3404. GENERAL GUIDANCE

a. References (a) through (c) set out the procedures required for processing enlisted personnel for administrative separations. The officer exercising general court-martial convening authority over the member is the separation authority when members are processed for administrative separation for the reasons listed below, if administrative board procedures are used and the board recommends an other than honorable discharge or retention, or if the member waives the board:

- (1) Defective enlistments and inductions - Fraudulent Entry Into The Naval Service (MILPERSMAN 3630100).
- (2) Misconduct - Pattern of Misconduct (MILPERSMAN 3630600).
- (3) Misconduct - Commission of a Serious Offense (MILPERSMAN 3630600).
- (4) Misconduct - Civilian Conviction (MILPERSMAN 3630600).
- (5) Misconduct - Drug Abuse (MILPERSMAN 3630620).
- (6) Unsatisfactory Participation in the Ready Reserve (MILPERSMAN 3630800).

b. In addition to the authority granted by reference (b) to commanding officers exercising special court-martial convening authority, they may also serve as separation authority when a member is processed for separation for one of the reasons listed above, provided:

- (1) Notification procedures are used; or
- (2) Administrative Board procedures are used and the Administrative Board recommends separation with an Honorable, General, or Entry Level Separation.

3405. POLICY. A request to administratively separate with an other than honorable discharge is considered in accordance with the criteria set forth in Chapter 36 of reference (a). Authority to discharge at the lower level has been provided to expeditiously discharge the substandard sailor or those personnel unwilling to adjust and abide by the Navy's rules and regulations.

3406. ACTION. Compliance with references (a) through (c) is mandatory. Commands sending administrative separation packages to CNET should retain the original package and forward a complete copy (including a copy of the letter of transmittal) to CNET (Code OOH). Upon receipt of approval of the discharge, the command will file the original package in the member's service record and forward a copy to BUPERS (PERS-83) for filing, indicating the date and the characterization of the discharge awarded.

CHAPTER 3**ADMINISTRATION OF NAVAL JUSTICE AND LEGAL MATTERS****Section 5 - Nonjudicial Punishment Procedures and Appeals**3501. BASIC DIRECTIVES

Ref: (a) Art. 15, UCMJ
(b) MCM, 1984
(c) JAGMAN
(d) SECNAVINST 1920.6A
(e) Art. 3830160, MILPERSMAN

3502. APPENDIX

A. Appeal from Nonjudicial Punishment - Accused's
Acknowledgement of Appeal Rights

3503. RESPONSIBILITY OF REGIONAL AREA COORDINATORS. To establish procedures for the imposition of nonjudicial punishment and the prompt processing of appeals pursuant to references (a), (b), and (c).

3504. RESPONSIBILITY OF COMMANDING OFFICERS. To ensure that the accused is fully informed of his/her rights regarding nonjudicial punishment, including the right to appeal, and to provide for the prompt processing of appeals with sufficient information to enable the regional area coordinator to make an appropriate decision regarding the appeal. To cause appropriate service record entries to be made.

3505. GENERAL. In regard to appeals from nonjudicial punishment, paragraph 7, Part V, of reference (b) provides that the reviewing staff judge advocate may conduct an investigation concerning the facts and circumstances of the offense(s) and of the hearing in which punishment was imposed. However, such inquiry is time-consuming and difficult in many cases because of the geographic separation between the reviewing command and the command imposing punishment. The endorsement of the commanding officer, if properly prepared, can provide the reviewing officer with the information which might otherwise be obtained through investigation, and the delay and expense associated therewith.

3506. INFORMATION. Endorsements to appeals of nonjudicial punishment should contain all information pertinent to consideration of the matters raised in the appeal. As a minimum, and in accordance with paragraph 0116c of reference (c), it should contain the following:

- a. Comment on any assertions of fact contained in the letter of appeal which the officer who imposed the punishment considers to be inaccurate or erroneous;
- b. A brief description of the procedures followed at the mast hearing at which nonjudicial punishment was imposed;
- c. A summary of all evidence received at the hearing and considered by the commanding officer, both as to findings of guilty and the sentence imposed. This paragraph should contain a statement, if it be true, that the appellant was informed of any written evidence considered against him/her at the mast, delivered a copy thereof, and offered the opportunity to rebut the matters contained therein;
- d. As enclosures, copies of all documents and signed statements which were considered as evidence at the mast or office hours hearing or, if the nonjudicial punishment was imposed on the basis of the record of a court of inquiry or other fact-finding body, a copy of that record, including the findings of fact, opinions, and recommendations, together with copies of any endorsements thereon.
- e. A copy of the completed mast report form (NAVPERS 1626/7) or Unit Punishment Book (NAVMC 10132).
- f. A copy of the appellant's record of performance as set forth on service record page 9 (Navy) or Record of Service and NAVMC 118(3) (Marine).
- g. Copies of all rights statements executed by the accused.
- h. Other information and documents required by Section 0116c of reference (c).
- i. Whether or not the accused pleaded "guilty" to the offense(s) at the hearing and whether or not the accused made any admissions of culpability.
- j. Part V, paragraph 7d of reference (b) authorizes the stay of restraint-type nonjudicial punishments pending appeal, provided the accused requests a stay. When an appeal is not resolved within 5 days after the accused has submitted the appeal, the stay, if requested, is granted automatically.

3507. ACTION

- a. All commands exercising nonjudicial punishment authority should become thoroughly familiar with Chapter 1, Part B of reference (c), and ensure that the procedures as set forth in Part V of reference (b) are strictly followed.

b. All service members who appear before article 15 proceedings shall be accorded all rights and processes due them by law. Nonjudicial punishment procedures should be inherently fair in fact and appearance. To ensure compliance, it is strongly recommended that the Captain's Mast/Office Hours Guide attached to reference (c) as Appendix A-1-e be used. The procedures prescribed in Part V, paragraph 4, of reference (b) and in Section 0110 of reference (c) must be used. This would include execution of the appropriate notification and election forms (see A-1-b, A-1-c, and A-1-d of reference (c)). Two of the suggested formats provide a space for advising the member of the maximum punishment which could be imposed at mast. Care must be exercised to advise the member correctly.

c. In the event punishment is imposed at captain's mast or office hours, appropriate service record entries should be made, and signed by appropriate personnel, on page 13 (Navy) or page 12 (Marine Corps), to ensure that the record may be used in aggravation in event of a subsequent court-martial. A format for this purpose is set forth in Section 0109e of reference (c).

d. All commands should ensure that all blocks are completed on the Report and Disposition of Offense(s) (NAVPERS 1626/7), including "Information Concerning Accused," and should include in their endorsements the information set forth in paragraph 3406.

e. If nonjudicial punishment is imposed, Appendix A is a recommended format to inform the accused of the right to appeal and request in writing that any restraint-type punishments be stayed. Upon receipt of an appeal, the command will promptly endorse it and forward it directly to the command which will act on the appeal. Copies of the correspondence may be provided to intermediate authorities in the chain of command, as desired. The member has a statutory right to a prompt endorsement; the endorsement process should not normally take more than 72 hours. When an appeal includes a request for the stay of restraint-type punishment, it shall be flagged as such and forwarded on the same day it is received, if possible. In such a case, an appeal not resolved within the authorized 5-day period will result in a stay which takes effect automatically 5 days after the appeal is received by the command.

f. Unless one of the authorized forms of deferral is operative, full credit must be given toward restraint-type punishment awarded from the time it is announced, even though the member may not actually be required to start serving it on that day (e.g., restriction at sea, commanding officer gives accused a few days to put affairs in order, etc.). See paragraph 0113b of reference (c). Note that there is no provision for the award of restriction or extra duty to commence at some time in the future.

3508. OFFICER NONJUDICIAL PUNISHMENT OR RECOMMENDATIONS FOR REVOCATION OF COMMISSION. Instances of officer nonjudicial punishment will be conducted in accordance with references (b) and (c). Boards of inquiry, when required by reference (d), normally will be convened by the regional area coordinator. Reports to the Navy Department concerning the imposition of nonjudicial punishment on an officer or recommendations that an officer's commission be revoked shall be forwarded in accordance with references (b), (c), (d), and (e), as applicable.

**NONJUDICIAL PUNISHMENT
ACCUSED'S ACKNOWLEDGEMENT OF APPEAL RIGHTS**

I, _____, presently attached to _____ have been informed of the following facts concerning my rights of appeal as a result of (captain's mast)(office hours) held on_____.

a. I have the right to appeal to _____
(Specify to whom the appeal should be addressed)

b. My appeal must be submitted within a reasonable time. Five days after the punishment is imposed is normally considered a reasonable time, in the absence of unusual circumstances. Any appeal submitted thereafter may be rejected as not timely. If there are unusual circumstances which I believe will make it extremely difficult or not practical to submit an appeal within the five-day period, I should immediately advise the officer imposing punishment of such circumstances and request an appropriate extension of time in which to file my appeal.

c. The appeal must be in writing.

d. There are only two grounds for appeal; that is:

(1) the punishment was unjust (i.e., illegally imposed); or

(2) the punishment was disproportionate (excessive) to the offense(s) for which it was imposed.

e. If the punishment imposed included reduction from pay grade E-4 or above, or was in excess of arrest in quarters for 7 days, correctional custody for 7 days, forfeiture of 7 days' pay, extra duties for 14 days, restriction for 14 days, or detention of 14 days' pay, then the appeal must be referred to a military lawyer for consideration and advice before action is taken on the appeal.

f. Any restraint-type punishment awarded, if unsuspended, will take effect when imposed. However, if my appeal is unresolved 5 days after I submit it and if I have specifically requested a stay of restraint-type punishment, the stay will be automatically granted until the appeal is resolved.

Witness

Accused

Date

CHAPTER 3**ADMINISTRATION OF NAVAL JUSTICE AND LEGAL MATTERS****Section 6 - Convening, Manning, and Reviewing Courts-martial**3601. BASIC DIRECTIVES

Ref: (a) UCMJ
(b) MCM, 1984
(c) JAGMAN
(d) NAVLEGSVCCOMINST 5800.1B (NOTAL)
(e) OPNAVINST 3120.32C
(f) JAGINST 5800.9
(g) SECNAVINST 1640.9A

3602. RESPONSIBILITY OF REGIONAL AREA COORDINATORS. To coordinate the timely processing of summary, special, and general courts-martial and to establish reporting procedures regarding processing times. To take corrective action on certain records of trial pursuant to article 64 of reference (a), R.C.M. 1112 in reference (b), and Section 0153 of reference (c).

3603. RESPONSIBILITY OF COMMANDING OFFICERS. To ensure compliance with applicable requirements of law in the convening, manning, and review of courts-martial, and to monitor processing times of cases in progress to achieve the management goals established by the Chief of Naval Education and Training, or higher authority.

3604. GENERAL. References (a) and (b) provide for the administration of military justice and require lawyer participation in most trials by court-martial. Reference (c) sets forth supplemental policy and procedures to be used in convening and reviewing courts-martial, investigations, and related matters. Naval Legal Service Offices or Trial Service Office Detachment will provide necessary legal services to shore and afloat commands in accordance with reference (d). No command is required to use all of the services noted in reference (d). Requests for legal services may be made whenever assistance is required and commands are expected to fully utilize the services of judge advocates and paralegal/clerical personnel wherever such personnel are assigned to their commands.

3605. GENERAL COURTS-MARTIAL. General courts-martial will normally be convened by the regional area coordinator. The regional area coordinator may require commanding officers of area commands to make available qualified personnel to serve as potential members for general courts-martial as necessary.

(See CNETINST 5813.1 series.) Only personnel who are best qualified for duty as court-martial members should be appointed by the regional area coordinator. Some factors to be considered are maturity, education, training, experience, and judicial temperament. Once a court convenes, the member's primary responsibility is that of court-martial member.

3606. SPECIAL COURTS-MARTIAL AND SUMMARY COURTS-MARTIAL. Special courts-martial and summary courts-martial will be convened in accordance with pertinent provisions of references (a), (b), and (c). Additional matters which require action by a general court-martial convening authority and/or such authority's staff judge advocate will normally be directed to them as such. Membership on special courts-martial shall consist of nominees obtained from the convening authority's command or, with the concurrence of the commanding officer involved, from the commands located where the court is to assemble (see R.C.M. 503 of reference (b)).

3607. APPOINTMENT OF MEDICAL AND DENTAL DEPARTMENT PERSONNEL AS MEMBERS OF COURTS-MARTIAL. It is important to keep in mind that the Judge Advocate General has ruled that sections 319.b.9 and 322.b.18 of reference (e) should not be construed to permit assignment of dental and medical personnel to duties not related to the administration of dental and medical units. Accordingly, their participation as courts-martial members must be limited to cases convened by the dental or medical units to which the member is assigned or which involve personnel of dental or medical units as accused.

3608. POST-TRIAL MATTERS. Upon completion of a general court-martial or special court-martial, regardless of outcome, a copy of the Report of Results of Trial signed by the trial counsel shall be forwarded to the appropriate area coordinator for information. R.C.M. 1106 of reference (b) requires that a recommendation be made prior to the convening authority's action in general courts-martial and special courts-martial in which a bad conduct discharge has been adjudged. This recommendation does not have to treat legal errors and, in large part, is merely a summarization of pertinent information. A form for this recommendation is set forth in Appendix A-1-k(1) of reference (c). The recommendation will ordinarily be done by the staff judge advocate or legal officer of the convening authority with advice, if necessary, from the Naval Legal Service Office or Trial Service Office Detachment serving the convening authority. When it is inappropriate or unfeasible for the assigned staff judge advocate or legal officer to prepare the recommendation, a specially designated staff judge advocate or legal officer from another command should prepare the recommendation. The rule specifically provides for this contingency. However, since it should not

arise very often, such matters will be dealt with by the staff judge advocate of the regional area coordinators on a case-by-case basis. Judge advocate reviews under R.C.M. 1111 and 1112 of reference (b) (i.e., summary courts, non-BCD special courts, and other cases where appellate review has been waived) will be conducted by a judge advocate designated by the regional area coordinator. In CNET's own regional coordination area, this will be the Staff Judge Advocate, CNET (Code OOJ).

3609. FORM OF RECORDS. In accordance with R.C.M. 1305(a) of reference (b), in addition to matters set forth in R.C.M. 1305(b), records of summary courts shall contain a summary of all nondocumentary evidence and an authenticated copy of documentary evidence used in the proceedings on the issue of guilt or innocence or sentence. Records of other courts-martial shall be compiled, authenticated, and served in accordance with sections subpart C3 and following of reference (c) and R.C.M. 1103 through 1114 of reference (b).

3610. ADMINISTRATIVE REPORTS. The reporting requirements of reference (f) have been significantly revised. Most notably, use of form NAVJAG 5800/9A has been discontinued. Supplemental reports following the format of Appendix B shall be forwarded to officers exercising general court-martial authority no later than the 15th day of the month following 31 March, 30 June, 30 September, and 31 December of each year. General courts-martial authorities shall submit to the Judge Advocate General the quarterly reports (form NAVJAG 5800/9) not later than the 30th day of the month immediately following each calendar year quarter as required by reference (f).

3611. BAILIFF AND ESCORT DUTIES

a. Bailiff. A bailiff shall be present at every trial by general or special court-martial unless excused by the military judge. The bailiff will be provided by the accused's commanding officer from his/her command or, with the concurrence of the commanding officer involved, from the commands located where the court is to assemble. Trial counsel will coordinate with the command involved for appearance of the bailiff and instruct, the bailiff as to his/her duties pursuant to Section 0130d(5) of reference (c), in consonance with the direction of the military judge. The bailiff shall be pay grade E-4 or above.

b. Escort

(1) Immediately upon completion of a trial by general or special court-martial wherein the accused has been awarded confinement, an escort, qualified in accordance with section 7406 of reference (g), will assume custody of the accused. The escort will be provided by the accused's commanding officer from the command or, with the concurrence of the commanding officer

involved, from the commands located where the court is to assemble. Trial counsel will coordinate with the command involved for the appearance of the escort. In accordance with section 7406 of reference (g), escorts shall be trained and certified as qualified by the brig training supervisor prior to assumption of duties. Note: The bailiff may assume escort duties if qualified to act as escort.

(2) Section 7405, paragraph (2), of reference (g) requires that any prisoner released from the brig must be escorted by a properly trained and qualified person. An accused who is in pretrial confinement and who is being tried by general or special court-martial will be delivered by brig personnel to the Naval Legal Service Office or area Trial Service Office Detachment and released to the custody of an escort provided by the accused's commanding officer from his command or, with the concurrence of the commanding officer involved, from the command located where the court is to assemble. The escort will retain custody of the accused until he/she is returned to the Brig. Trial counsel will coordinate with the command involved for appearance of the escort. In accordance with section 7406 of reference (g), escorts shall be trained and certified as qualified by the brig training supervisor prior to assumption of duties. Note: In cases wherein the accused is in pretrial confinement, a bailiff may not double as an escort.

3612. CONFINEMENT ORDERS. Although a sentence may include posttrial confinement, the accused may not be subjected to posttrial confinement until confinement has been ordered under R.C.M. 1101 of reference (b). Convening authorities are urged to anticipate this requirement by appropriate written delegation of authority to trial counsel.

CHAPTER 3**ADMINISTRATION OF NAVAL JUSTICE AND LEGAL MATTERS****Section 7 - Relations With Civil Authorities**3701. BASIC DIRECTIVE

Ref: (a) JAGMAN

3702. RESPONSIBILITY OF REGIONAL AREA COORDINATORS. To encourage appropriate cooperation between naval and civilian authorities in legal matters involving naval personnel.

3703. RESPONSIBILITY OF COMMANDING OFFICERS. To comply with the procedures promulgated in Chapter VI of reference (a) regarding relations with civilian authorities.

3704. GENERAL. Command support functions in areas involving relations with civil authorities can best be handled at the local level by agreements with local authorities. Regional area coordinators and commanding officers should request assistance as necessary from local Naval Legal Service Offices in matters involving delivery of naval personnel to civilian authorities and service of civilian process upon naval members in accordance with Chapter VI of reference (a). The area shore patrol officer may assist commands in matters involving arrests of military personnel by civilian authorities and in monitoring cases of military personnel in the hands of civilian authorities until a final disposition is made. However, incidents or involvement with the civilian community likely to have a significant effect upon military-civilian relations or which impact upon naval personnel and activities over a large area should be coordinated by or through regional area coordinators and CNET.

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CHAPTER 3

ADMINISTRATION OF NAVAL JUSTICE AND LEGAL MATTERS

Section 8 - Armed Forces Disciplinary Control Boards3801. BASIC DIRECTIVE

Ref: (a) OPNAVINST 1620.2A

3802. GENERAL. Reference (a) eliminates the requirement for Senior Armed Forces Disciplinary Control Boards (SAFDCBs) and provides procedural guidance to be followed by Armed Forces Disciplinary Control Boards (AFDCBs). AFDCBs may be established by installation, base, or station commanders.

3803. MISSION. The mission of the AFDCBs is as follows:

a. Advise and make recommendations to commanders on matters concerning the elimination of crime or other conditions which may negatively affect the health, safety, morals, welfare, morale, or discipline of Armed Forces personnel.

b. Ensure the establishment and maintenance of the highest degree of liaison and coordination between military commands and appropriate civil authorities.

3804. RESPONSIBILITY OF REGIONAL AREA COORDINATORS. Regional area coordinators will ensure establishment of and monitor the functioning and interservice coordination of AFDCBs within their regions, with responsibilities as specified in reference (a).

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CHAPTER 3**ADMINISTRATION OF NAVAL JUSTICE AND LEGAL MATTERS****Section 9 - JAG Manual Investigations**3901. BASIC DIRECTIVES

Ref: (a) JAGMAN

3902. RESPONSIBILITY OF REGIONAL AREA COORDINATORS

a. To review Command Investigations conducted and forwarded in accordance with paragraph 0209 of reference (a). Regional Area Coordinators will not normally review Litigation Report Investigations convened and forwarded in accordance with paragraph 0210 of reference (a), unless they are otherwise in the convening authority's chain of command.

b. To review Line of Duty/Misconduct investigations in accordance with paragraph 0231 of reference (a).

3903. RESPONSIBILITY OF COMMANDING OFFICERS AND OFFICERS IN CHARGE.

To initiate, review, and endorse investigations into incidents arising in their command as required by reference (a) or when tasked by the Regional Area Coordinator or higher authority. Paragraph 0209.h.(1) of reference (a) permits superior commanders to provide guidance concerning review and forwarding of investigations. Convening Authorities are responsible for conferring with appropriate superiors in their chain of command and for ensuring that, if the investigation is forwarded to the Regional Area Coordinator, that the command's forwarding endorsement clearly states the guidance received.

3904. TIME LIMITS FOR PROCESSING JAG MANUAL INVESTIGATIONS. In accordance with reference (a), maximum time limits for the processing of Navy JAG Manual investigations are as follows:

a. From date of convening order/accident until submission of investigating officer's report to convening authority - 30 days

b. From receipt by convening authority to completion of convening authority's endorsement - 30 days (exception: death investigations - 20 days). The convening authority shall immediately forward an advance copy of all death investigations to the Judge Advocate General.

c. From receipt by reviewing authority to completion of endorsement by each subsequent reviewer - 30 days (exception: death investigations - 20 days) Whenever processing times exceed these limits, the responsible endorser must provide an explanation. In the case of investigations involving death, disappearance, or serious injury to personnel, the maximum limits are mandatory. Deviations from these limits in the latter cases must be expressly requested and approved in advance by the next senior reviewer of the investigation. All such requests and authorizations are to be compiled as enclosures to the report of investigation.

3905. MONITORING OF JAG MANUAL INVESTIGATIONS. In order to effectively monitor the processing of JAG Manual investigations and to implement the Judge Advocate General Management Information System (JAGMIS), commands are requested to send a copy of the appointing letter on all investigations to the regional area coordinator. When forwarding an investigation to via addressees other than the regional area coordinator, commands are requested to send an advance copy of their endorsement to the regional area coordinator. This will enable the regional area coordinator to begin tracking investigations from the time the investigating officer is appointed and to know the location of the investigation as it is being routed.

CHAPTER 3

ADMINISTRATION OF NAVAL JUSTICE AND LEGAL MATTERS

Section 10 - Article 138, UCMJ, Complaints of Wrong31001. BASIC DIRECTIVES

Ref: (a) JAGMAN
(b) UCMJ
(c) U.S. Navy Regulations, 1991

31002. GENERAL

a. In accordance with Section 0305e of reference (a), Article 138 complaints of wrong shall be forwarded to the officer next superior in the chain of command exercising general court-martial jurisdiction over the respondent (the commanding officer against whom the complaint of wrongs is made) at the time of the alleged wrong. It should be noted that this is not necessarily the regional area coordinator. An area coordinator will act as the officer exercising general court-martial jurisdiction when he/she is, in fact, the officer exercising general court-martial jurisdiction over the respondent (as defined in Section 0303e of reference (a)). In addition, an area coordinator may handle Article 138, UCMJ, complaints if specifically authorized to do so by the officer exercising general court-martial jurisdiction over the respondent. Whether it is appropriate for the area coordinator to handle Article 138, UCMJ, complaints in such situations is to be determined on a case by case basis by the officer exercising general court-martial jurisdiction over the respondent considering the factors set out in Section 0305d of reference (a).

31003. RESPONSIBILITY OF GENERAL COURT-MARTIAL AUTHORITIES

a. To initially review the complaint, ensuring that it is within the scope of Article 138 of reference (b) or Article 1150 of reference (c), is timely and is complete.

b. If the complaint lies outside the scope of Article 138 of reference (b) or Article 1150 of reference (c), to return it to the complainant accompanied by the reason therefor and advice as to other channels available which are appropriate for resolution of the complaint, if any. In such case, the GCMA must forward a copy of the complaint and the letter returning it to the Secretary of the Navy (Judge Advocate General).

- c. If the complaint is incomplete or otherwise deficient, or is untimely, process the complaint in accordance with Section 0308 of reference (a).
- d. Prior to taking action on the complaint, to ensure that the complainant is provided with a copy of all endorsements, enclosures, and adverse evidence, and to afford the complainant adequate opportunity to rebut any such material.
- e. To cause an appropriate inquiry to be conducted.
- f. To complete action on the complaint within 60 days of its receipt, absent unusual circumstances, and to advise the complainant, in writing, of the action.
- g. To forward a report of the proceedings to the Secretary of the Navy (Judge Advocate General).

3904. RESPONSIBILITY OF COMMANDING OFFICERS AND OFFICERS-IN- CHARGE

- a. Upon receipt of the complaint, if the commanding officer has not previously been afforded the opportunity to redress the alleged wrong pursuant to Section 0306b of reference (a), to return the complaint to the complainant accompanied by the reason therefor.
- b. To ensure that the complaint complies with the requirements set forth in Section 0306c of reference (a), and to return it to the complainant for corrections to this end, if necessary. A form for the complaint may be found in Appendix A-3-a of reference (a).
- c. To endorse the complaint, provide the complainant with a copy thereof, and to forward the package to the next superior in the chain of command exercising general court-martial jurisdiction over the respondent. Endorsements should contain comments regarding the complaint, as well as any pertinent documents not provided as enclosures to the complainant's package.

CHAPTER 4**PUBLIC AFFAIRS****Section 1 - General**4101. BASIC DIRECTIVE

Ref: (a) OPNAVINST 5400.24D
(b) SECNAVINST 5720.44A

4102. PURPOSE. To provide public affairs guidance for regional and local area coordination. References (a) and (b) apply.

4103. DISCUSSION. The area/regional/local coordinator system provides a logical basis for coordinating the conduct of public affairs ashore under the supervision of designated public affairs specialists. However, the system does not supersede the chain of command. Naval Offices of Information (NAVINFOs), in accordance with Chief of Information (CHINFO) policy, can assist regional coordination efforts for their assigned areas of responsibility. CHINFO assigns areas of responsibility for all NAVINFOs.

4104. COMMAND RELATIONSHIPS

a. Regional area coordinators for public affairs will coordinate directly with CNET (Code OOP) on public affairs coordination matters, keeping all concerned commands informed; and develop guidance for their subordinate local area coordinators and other commands within their regions as appropriate.

b. All commands within the geographic area of the regional area coordinator are expected to respond to regional area coordinator requests for public affairs assistance, and are expected to keep that coordinator advised of significant plans and events that may have regional or national public affairs interest.

c. It is also current CHINFO policy that NAVINFOs Midwest (Chicago) and Southwest (Dallas) are subject to CNET area coordination authority through the appropriate regional area coordinator. The geographic relationships between the CNET regional/ local area coordinator area of responsibility and those of the NAVINFOs are as follows:

<u>Regional/Local/Area Coordinators</u>	<u>Naval Office of Information</u>
<u>Chief of Naval Education and Training</u>	Southeast
CO, Naval Air Station, Pensacola, FL	Southeast
CO, Naval Air Station, Whiting Field, Milton FL	Southeast
CO, Coastal Systems Station, Panama City, FL	Southeast
CO, Naval Air Station, Meridian, MS	Southeast
Supervisor of Shipbuilding, Conversion, and Repair, USN, Pascagoula, MS	Southeast
Commander, Naval Meteorology and Oceanography Command, Bay St. Louis, MS	Southeast
CO, Naval Support Activity, Memphis, TN	Southeast
CO, Naval Surface Warfare Center, Louisville, KY	Southeast
CO, Naval Security Group Activity, Sugar Grove, WV	Southeast
<u>Chief of Naval Air Training</u>	Southwest, West, Midwest
CO, Naval Air Station, Corpus Christi, TX	Southwest
CO, Naval Air Station, Kingsville, TX	Southwest
CO, Naval and Marine Corps Reserve Center, Albuquerque, NM	West
CO, Naval and Marine Corps Reserve Readiness Center, Phoenix, AZ	West
CO, Naval and Marine Corps Reserve Center, Boise, ID	West
CO, Naval and Marine Corps Reserve Readiness Center, Salt Lake City, UT	West
CO, Naval Reserve Center, Cheyenne, WY	Midwest
<u>Commander, Naval Training Center, Great Lakes</u>	Midwest

4105. COORDINATION

a. When several Navy commands are located in the same community or immediate geographical area, it is desirable that some aspects of Navy public affairs be coordinated, specifically, media relations and community relations. Generally, the senior command in an area will assume coordination of local public affairs matters, but this authority may be delegated to another command, especially if that other command has a full-time public affairs officer.

b. Direct liaison in public affairs matters between the area coordinator, regional area coordinators, NAVINFOs, Naval Reserve public affairs units, Navy recruiters, and other naval activities afloat and ashore is encouraged.

4106. RESPONSIBILITIES. The exercise of public affairs remains the responsibility of command. Each officer who exercises command is responsible, subject to the direction of higher authority, for public information, internal relations, and community relations policies and programs within his or her command. Area coordinator public affairs responsibilities are delegated to CNET regional area coordinators as follows:

a. Initiate corrective action in response to regional public affairs problems.

b. Keep appropriate chain(s) of command informed concerning public affairs matters.

c. Develop special projects of national interest which are self-originated or as tasked by higher authority.

d. Identify public affairs problems including deficiencies in public affairs manning.

e. Ensure sufficient response plans and capabilities exist to handle major accidents, incidents (including terrorist incidents, nuclear accidents and incidents, and destructive weather), and disasters.

f. Provide, when necessary or as previously arranged, the initial public affairs response for significant events or problems (including accidents, incidents, or disasters) likely to gain regional or national attention.

g. Maintain liaison with the appropriate NAVINFOs to ensure a well-coordinated public affairs program within each region.

- h. Assist CHINFO in support of regional public affairs as requested.
- i. Ensure adequate internal information programs exist within assigned regions.
- j. Coordinate, when necessary, or further delegate Navy participation in regional community affairs activities such as Navy Birthday, Armed Forces Day, Blue Angel appearances.

CHAPTER 5**REPORTING OF TERRORIST THREAT CONDITIONS****Section 1 - General**5101. BASIC DIRECTIVE

Ref: (a) OPNAVINST 5530.14B
(b) CNETINST 5530.2F

5102. PURPOSE. To provide guidance for reporting terrorist threat conditions by regional and local area coordinators as defined in references (a) and (b).

5103. GENERAL. Information and warnings of terrorist activity against installations and personnel of US commands and agencies will normally be received from US security authorities or through the security agencies of the host countries concerned. Also, information may come from the local police forces, may be received directly by a US command or agency as a threat or warning from a terrorist organization, or may be in the form of an attack on a U.S. installation or on U.S. personnel.

5104. APPLICABILITY. The provisions of this chapter apply to U.S. Navy and Marine Corps activities in those geographic areas for which CNET has area coordination responsibilities.

5105. RESPONSIBILITIES OF REGIONAL AND LOCAL AREA COORDINATORS. The declaration of THREATCON (above normal) and implementation of measures may be decreed by a US command or agency or by a local commander or head of an agency following receipt of intelligence through official sources or following an anonymous threat message. Lateral as well as vertical reporting is directed to ensure dissemination of THREATCON to potentially affected areas (e.g., CNET activities will report to Regional Coordinator, Local Coordinator, CNET and Intermediate Superiors in Command (ISICs)).

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