

DEPARTMENT OF HOMELAND SECURITY
U.S. COAST GUARD

ACKNOWLEDGMENT OF RIGHTS - ACCEPTANCE OF NJP

Article 15, UCMJ (Nonjudicial Punishment)
(Officer Member Attached To Shore Unit)

Notification and election of rights concerning the contemplated imposition of nonjudicial punishment (NJP) pursuant to Article 15, UCMJ, in the case of:

Rank	Last Name, First Name, Middle Initial	EMPLID/Military ID	Unit
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1. NOTIFICATION

A. In accordance with the requirements of paragraph 4, Part V, MCM, you are notified that the commanding officer is considering imposing NJP pursuant to Article 15, UCMJ based on the following alleged offenses:

UCMJ Article	Offense Description

B. The allegations against you are based on the following information:

C. You are to complete the attached acknowledgment and election and return it to me no later than _____ hours, _____, 20____.

D. You are advised that adverse results of nonjudicial punishment pursuant to Article 15, UCMJ, will become a part of your military record and may be the basis for adverse personnel actions.

Executive Officer
(or individual designated by the Commanding Officer)

2. MEMBER'S RIGHTS AND ACKNOWLEDGMENTS

- A. I acknowledge the following rights and limitations regarding NJP:
1. I have the right to **demand trial by court-martial** in lieu of NJP, which has the effect of refusing punishment under Article 15, UCMJ.
 2. I may **consult with an attorney** concerning the right to demand court-martial and NJP procedures, if it does not unduly delay the reasonable scheduling of mast, prior to deciding whether to demand trial by court-martial:
 - a. Should I desire to consult with a military attorney, one will be assigned by the Coast Guard at no cost to me, however, I have no right to the assignment of any particular military attorney by the Coast Guard; or,
 - b. I may consult with a civilian attorney at no cost to the government instead of a military attorney assigned by the Coast Guard if it does not unduly delay the reasonable scheduling of the mast.
 3. If I do not demand trial by court-martial and therefore **accept NJP**, I will be accorded the following rights at NJP:
 - a. To be accompanied by a **mast representative** or **spokesperson**;
 - (1) A **mast representative** must be approved by the command and may participate fully at mast on my behalf. I do not have the right to be represented by an attorney at mast.
 - (2) A **spokesperson** is an individual I select (pursuant to paragraph 4.c(1)(B), Part V, MCM), civilian or military, who may assist me, speak on my behalf at mast, but may not examine witnesses. My desired attendance of a spokesperson may not delay a reasonably scheduled mast.
 - b. To be informed of my rights against compulsory **self-incrimination** under Article 31(b), UCMJ;
 - c. To be informed orally or in writing of the **information against me** relating to the offense(s) alleged;
 - d. To ensure **all relevant information is presented** concerning my case:
 - (1) To examine documents or physical objects the commanding officer considers in connection with this case, and on which he or she will rely in deciding whether, and how much, NJP to impose
 - (2) To present documents or physical evidence on my own behalf;
 - (3) To ask questions of witnesses who present evidence against me;
 - (4) To call and question witnesses if their statements are relevant and they are reasonably available;
 - (5) To present matters in defense, extenuation, and mitigation orally, or in writing, or both.
 - e. To have the **mast open to the public** unless the CO closes the mast for good cause under certain circumstances.
 - f. To **request not to appear** personally at the proceedings, subject to the approval of the commanding officer. If my request is granted, I will have the right to submit written matters for consideration by the commanding officer before any decision is made to impose NJP.
- B. I understand that the maximum punishment that may be imposed is:

Maximum Punishment(s) Imposed Upon an Officer or Warrant Officer When Imposed By a...			
Punishment Type	Flag Officer	LCDR (O-4) or Above	LT (O-3) or Below
Admonition or Reprimand	Yes	Yes	Yes
Arrest in Quarters	30 days	No	No
Restriction	60 days	30 days	15 days
Forfeiture of Pay	1/2 of 1 month pay per mos for 2 mos	No	No

- C. If NJP is imposed, I will have the **right to appeal** to superior authority within 5 calendar days of the imposition of such punishment. The 5-day period begins to run the day after the commanding officer awards NJP. If the punishment awarded includes any form of restraint or extra duties, that punishment is not automatically deferred by filing an appeal. If my appeal is not acted upon by my commanding officer's superior within 5 days, I may request that the unserved portions of the restraint or extra duties be deferred until after the action is completed and the CO will grant such a request.

- D. I understand that in the event I **demand trial by court-martial** in lieu of NJP punishment, my commanding officer may dismiss the matter or refer the charge(s) to a special court-martial, initiate the procedures to have the matter referred to a general court-martial, or initiate administrative alternatives.
1. At a **special or general court-martial** I would have the following rights:
 - a. To be informed of my rights against compulsory **self-incrimination** under Article 31(b), UCMJ;
 - b. To be informed orally or in writing of the **information against me** relating to the offense(s) alleged;
 - c. To be represented by a military **attorney** at no cost to me, including a military attorney of my own selection if reasonably available. In addition to a military attorney, I may arrange for, and be represented by, a civilian attorney at no expense to the government.
 - d. To be **tried by a court-martial composed of officers** as members (four for special court-martial, six for general court-martial). If tried by a court-martial with members, three fourths of the members, voting by secret written ballot, would have to agree in any finding of guilty. Should I be found guilty, and if I elect sentencing by members; three-fourths of the members, voting by secret written ballot, would have to agree on any sentence to be adjudged. I will not have the right to be tried by court-martial with members if charges are referred to a special court-martial consisting of military judge alone under Article 16(c)(2)(A), UCMJ in accordance with RCM 201(f)(2)(E).
 - e. To **request trial by military judge alone**. If tried by military judge alone, the military judge would determine my guilt or innocence and, if I were found guilty, the military judge would determine the sentence imposed.
 - f. To **remain silent** and to **plead not guilty**, thus placing upon the government the burden of proving my guilt beyond a reasonable doubt;
 - g. To **confront and cross-examine all witnesses** against me;
 - h. To call, or subpoena, **witnesses** to testify on my behalf; and,
 - i. If found guilty, to present matters that may **mitigate** the offense(s) or demonstrate **extenuating circumstances** as to why I committed the offense(s).
 2. I understand that the **maximum punishment that can be imposed at a special court-martial** for the offense(s) charged against me is [See, RCM 1003 and punishment limits for each offense listed in Part IV, MCM to fill in the blanks]:
 - a. Restriction to specified limits, not to exceed two months;
 - b. Forfeiture of 2/3 pay per month for ____ months, not to exceed six months;
 - c. Fine in addition to, or in lieu of forfeitures, in amounts of fines and/or forfeitures to not exceed the maximum authorized for forfeitures; and
 - d. Reprimand.
 3. I understand that the **maximum punishment that can be imposed at a general court-martial** for the offense(s) charged against me is [See, RCM 1003; and punishment limits for each offense listed in Part IV, MCM to fill in the blanks]:
 - a. Dismissal from the Coast Guard;
 - b. Confinement for _____
 - c. Restriction to specified limits, not to exceed two months;
 - d. Forfeiture of all pay and allowances;
 - e. Fine; and,
 - f. Reprimand.

3. MEMBER'S ELECTIONS

- A. I understand the rights and information provided in this form. Any questions I had were answered to my satisfaction. I understand that I may consult with a military or civilian attorney before accepting or rejecting nonjudicial punishment.

Select & Initial either paragraph B or C and appropriate subparagraphs, below.

- B. With the understanding that I have the right and opportunity to consult with a military attorney provided at no cost to me, or a civilian attorney obtained at no expense to the government before accepting or rejecting nonjudicial punishment, **I voluntarily waive the opportunity to consult with an attorney** and make the following elections:

I demand trial by court-martial and thereby reject nonjudicial punishment.

I accept nonjudicial punishment.

_____ Date

Member's Signature

_____ Date

Witness's Signature

Or

- C. HAVING **CONSULTED WITH** _____, **A MILITARY OR CIVILIAN ATTORNEY**, CONCERNING MY RIGHT TO ACCEPT NONJUDICIAL PUNISHMENT OR DEMAND TRIAL BY COURT-MARTIAL AND THEREBY REJECT NONJUDICIAL PUNISHMENT, I HEREBY MAKE THE FOLLOWING ELECTION:

I demand trial by court-martial and thereby reject nonjudicial punishment.

I accept nonjudicial punishment.

_____ Date

Member's Signature

_____ Date

Witness's Signature