



DEPARTMENT OF THE NAVY

NAVY RECRUITING DISTRICT NEW YORK
990 STEWART AVENUE
2ND FLOOR, SUITE 220
GARDEN CITY, NY 11530-4858

NAVCRUITDISTNYINST 5800.2B
012
14 Sep 12

NAVY RECRUITING DISTRICT NEW YORK INSTRUCTION 5800.2B

Subj: DISCIPLINARY REVIEW BOARD

Ref: (a) JAGINST 5800.7F

Encl: (1) Article 31(b) Warning (Military Acknowledgement/
Waiver of Rights)
(2) Disciplinary Review Board Recommendations/Comments

1. Purpose. To establish the authority of the Disciplinary Review Board (DRB) as a link in the chain of command for processing disciplinary reports of minor misconduct concerning enlisted personnel assigned to this command.
2. Cancellation. NAVCRUITDISTNYINST 5800.2A
3. Discussion.
 - a. The maintenance of good order and discipline is the concern and responsibility of All Hands, and principally of all Officers and Chief Petty Officers (CPOs).
 - b. Prior to placing an individual on report, it is the responsibility of the Supervisor (i.e., Leading Petty Officer, Leading Chief Petty Officer (LPO/LCPO), Division Officer (DIVO), Department Head (DH), etc.) to ensure all corrective avenues have been exhausted. All actions taken to correct disciplinary infractions must be documented by means of counseling sheets, Letter of Instruction, etc.
 - c. A report chit is not required as a prerequisite for DRB. Rather, a DRB, or other lower level measures, should be taken prior to placing an individual on official report.
 - d. The composition of the DRB will be the Chairperson, Mentor, Witnesses, Department representative, at least two Chief Petty Officers, and the Legal Officer/Clerk if appropriate. The DRB will make recommendations concerning resolutions of minor infractions. Minor disciplinary infractions are defined as those not warranting trial by Courts-Martial.
 - e. The DRB is a fact-finding interview that will examine

overt behavior(s), analyze the circumstances, and to the best extent possible, determine any underlying causes. The DRB shall investigate all evidence to determine the validity and seriousness of any potential offense(s).

f. The DRB is non-punitive in nature. The DRB may recommend corrective or disciplinary actions to the Commanding Officer for further processing via the Executive Officer (XO).

4. Action. All assigned Master, Senior and Chief Petty Officers are eligible to assume a position as a member of the DRB. For command-level DRBs:

a. The Command Master Chief (CMC) will coordinate the time, place and composition of the DRB via the XO.

b. The CMC will designate the chairperson and forward all documentation required to prepare the findings of the board.

c. LPO/LCPOs will review all reported offenses prior to forwarding them up the chain of command. LPO/LCPOs may recommend dismissal of any first-time minor offenses and follow up with appropriate written counseling.

d. The CMC will assume overall responsibility for the DRB and ensure all enlisted cases are reviewed by the DRB prior to forwarding charges to the XO.

5. Procedures. The following procedures will apply to the convening and conduct of the DRB.

a. The DRB coordinator will receive all required documentation from the Legal Clerk for review a minimum of 48 hours prior to the convening date.

b. All DRB members will become familiar with the provisions of Parts A and B, Chapter One, of reference (a).

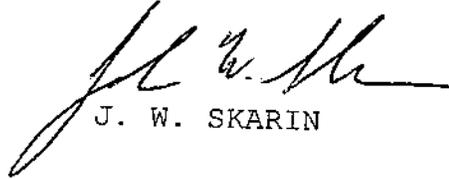
c. The CMC and Legal Officer/Clerk will ensure all data required for the review of each case is available, to include investigative reports, witness statements, service record, etc.

d. The accused will be notified by the Legal Clerk to be present and standing by for the DRB in the uniform of the day. At that time, the accused will review all data pertaining to the DRB and be read their rights utilizing enclosure (1), and sign a statement acknowledging understanding of these rights.

- e. The Master-at-Arms (MAA) or appropriate substitute will be present for all command-level DRBs.
- f. The board will review all evidence, interview all witnesses, and solicit all information pertaining to the offense and the performance of duty by the offender.
- g. When directed by the MAA, the accused will enter the room make appropriate facing movements, face the board, remain at attention and make the following report: "Rate/name, Department/Division, reporting for Disciplinary Review Board as ordered."
- h. The chairperson will make opening remarks, explain the board's function, introduce members, and read the charges. Chairperson: "I have a statement signed by you acknowledging that you were fully advised of your legal rights. Do you understand this statement and do you understand the rights explained therein"? Accused should respond. Chairperson: "Do you waive your right to remain silent here today and agree to answer questions by this panel? Understand that you may invoke your right to remain silent at any time during this board."
- i. The board may recommend dismissal of the case, adjudication by the DRB, and/or referring the case to inquiry by the XO, with appropriate award recommendations.
- j. The board shall provide formal counseling to the accused to ensure good principles of leadership and maintenance of good order and discipline are applied uniformly throughout the command.
- k. The board will forward recommendations and comments to the XO utilizing enclosure (2).
- l. The recommendations and comments of the board shall remain confidential until final screening of the case by the XO.
- m. The board does not have the authority to dismiss a case. A recommendation for dismissal will be forwarded to the XO for review via the Legal Officer/Clerk. If the XO approves dismissal, the Legal Clerk will retain the DRB recommendations in the DRB binder.
- n. A recommendation for disciplining action will be forwarded to the XO for Executive Officers Inquiry (XOI). The Legal

NAVCUITDISTNYINST 5800.2B
14 Sep 12

Officer/Clerk will retain the DRB recommendations in the XO
binder if the charges are dismissed by the XO. Appropriate
entries into the Unit Punishment Book will be made after
disposition from the Commanding Officer.



J. W. SKARIN

14 Sep 12

**Article 31(b) Warning
(Military Acknowledgement/Waiver of Rights)**

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)
(Page 1 of 2)

FULL NAME (Accused/Suspect)		SSN (Last 4)	RANK/RATE	SERVICE (Branch)
UNIT/ACTIVITY			DATE OF BIRTH	
NAME (Interviewer)		SSN (Last 4)	RANK/RATE	SERVICE (Branch)
ORGANIZATION			BILLET	
LOCATION OF INTERVIEW			TIME	DATE

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, I was warned that:

(1) I am suspected of having committed the following offense(s):

(initial) _____

(2) I have the right to remain silent;.....(initial) _____

(3) Any statement I do make may be used as evidence against me in trial by court-martial....(initial) _____

(4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both, and;.....(initial) _____

(5) I have the right to have such retained civilian awyer and/or appointed military lawyer I present during this interview.....(initial) _____

FOR OFFICIAL USE ONLY
Any misuse or disclosure may result in both civil and criminal penalties

**Article 31(b) Warning
(Military Acknowledgement/Waiver of Rights)**

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)
(Page 2 of 2)

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and.....(initials) _____

(1) I expressly desire to waive my right to remain silent.....(initials) _____

(2) I expressly desire to make a statement.....(initials) _____

(3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to any questioning.....(initials) _____

(4) I expressly do not desire to have such counsel present with me during this interview; and.....(initials) _____

(5) This acknowledgement and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of an kind having been used against me.....(initials) _____

SIGNATURE (Accused/Suspect)	TIME	DATE
SIGNATURE (Interviewer)	TIME	DATE
SIGNATURE (Witness)	TIME	DATE

FOR OFFICIAL USE ONLY – PRIVACY SENSITIVE

Any misuse or disclosure may result in both civil and criminal penalties

From: Disciplinary Review Board
To: Command Master Chief
Via: COC

Subj: RECOMMENDATIONS/COMMENTS OF THE DISCIPLINARY REVIEW BOARD
(DRB) ICO RATE/NAME

1. A DRB was conducted on _____ and was composed of the following members:

Chairperson: _____
Dept LCPO: _____
Board Members: _____

2. The board recommends:

- Dismissal
- Non-punitive measures (EMI, counseling, etc.)
- XOI
- NJP - Recommendations:
 - Warning Oral Written
 - Reprimand Oral Written
 - Restriction: _____ Days
 - Extra Duty: _____ Days
 - Forfeiture of \$ _____ month pay _____ month(s)
 - Administrative measures (specify): _____

3. Summary:

(Chairperson Signature)