



DEPARTMENT OF THE NAVY
NAVY RECRUITING DISTRICT, PORTLAND
7028 N.E. 79TH COURT
PORTLAND, OREGON 97218-2813

NAVCRUITDISTPORTLANDINST 5800.2E

CMC

18 Oct 13

NAVCRUITDIST PORTLAND INSTRUCTION 5800.2E

Subj: DISCIPLINARY REVIEW BOARD (DRB)

Ref: (a) Manual for Courts-Martial (2012), R.C.M. 303
(b) JAGINST 5800.7F
(c) JAGMAN 0103

Encl: (1) Disciplinary Review Board Guide
(2) Report of DRB

1. Purpose. To establish a Disciplinary Review Board (DRB) for Navy Recruiting District Portland.

2. Cancellation. NAVCRUITDISTPORTLANDINST 5800.2D.

3. Background. The primary function of the DRB is to provide the command with alternative means of handling minor disciplinary infractions by enlisted service members E1 through E8 in keeping with references (a) through (c). Cases referred to the DRB will either be disposed of by the board or forwarded back to the Legal Officer for further Article 15 Non-Judicial Punishment (NJP) processing. The DRB is not a substitute for NJP, nor will it award punishment. It may, however, prescribe corrective measures such as extra military instruction (EMI), counseling, etc.

4. Board Membership. The DRB membership will consist of the following:

a. Chairman: Command Master Chief (CMC) or Chief Recruiter (CR).

b. Members: Minimum of two Chief Petty Officers and Command Managed Equal Opportunity (CMEO).

5. Responsibilities.

a. The Chairman will conduct the proceedings and ensure adequate record-keeping. Records of the proceedings and any

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administrative disposition by the DRB will be and maintained by the command Legal Officer for a minimum of five years.

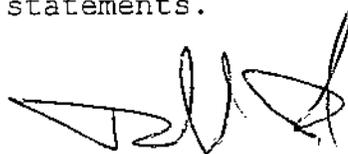
b. The Legal Officer and the Administrative Department will act as additional advisors to the board and assist in the preparation of any required documents.

6. Action:

a. When a violation of the Uniform Code of Military Justice is reported, the Legal Officer will process the report of offense (NAVPERS 1626/7). Upon completion of a preliminary inquiry officer's report (PIO) (if required), the NAVPERS 1626/7 and any associated documentation will be forwarded to the CMC as expeditiously as possible for DRB scheduling. The CMC will then select appropriate board members and convene the DRB if deemed appropriate or directed. The Chairman will follow enclosure (1) in the conduct of the DRB. Upon completion, the board's findings will be annotated using enclosure (2) and forwarded to the Executive Officer (XO). Should the DRB recommend further adjudication via the NJP process, the Legal Officer will then proceed with scheduling of XO and Captain's Mast according to the XO's direction.

b. Options available to the DRB in disposing of the case are included in enclosure (2). In each case, copies of enclosure (2) and any additional supporting documentation will be forwarded and maintained by the command Legal Officer.

c. The Chairman and Legal Officer will ensure the rights of the accused are afforded in accordance with Article 31(b) of the UCMJ prior to DRB, giving the accused the opportunity to review the PIO report and witness statements.



T. D. BODE

Distribution:
NAVCUITDISTPORTLANDINST 5216.1U
Lists A, B, and D

DISCIPLINARY REVIEW BOARD GUIDE

[Review all documentary evidence prior to proceeding with questioning any witness.]

[Call in any witnesses necessary or desired.]

[Instruct the accused to enter.]

Chairman (CM) [Observe accused's uniform appearance and note any discrepancies (grooming, ribbons, service stripes, etc.)]

CM: _____, recite the Sailor's Creed.

CM: _____, explain the meaning of Honor, Courage, and Commitment.

CM: _____, the purpose of this DRB is to review the alleged charges in your case and make a recommendation to the XO and Commanding Officer (CO) as to the disposition of the charge(s). We can recommend the charges be dismissed, that you receive counseling or EMI, or that the charges be forwarded to the XO or CO for disposition.

CM: Previously, you were read your Article 31(b) rights. Those rights are still in effect. That means you still have the right to remain silent, and if you choose to give up that right, your answers may later be used against you at any disciplinary hearing, including a trial by court-martial.

CM: I have here a copy of those rights, signed by you. Do you understand these rights?

Accused (ACC): YES/NO

CM: Do you desire to waive your right to remain silent and speak to us today?

ACC: YES/NO

CM: _____, I have before me the following documents which this DRB will consider.

- Report of Offense
- PIO Packages
- Service Record
- Any other documents submitted

CM: Have you been given an opportunity to examine these documents?

ACC: _____

[Note: If the accused has not examined the evidence, permit the accused to do so at this time.]

Conducting the DRB. At this point the Chairman may:

- call any witnesses relevant to the alleged offenses(s), including the accused's chain of command,
- ask the accused to explain the circumstances of the alleged offense(s),
- open the floor to the board members to allow them to ask questions of the accused,
- excuse the accused from the room if the board wishes to speak among themselves in private.

[At the completion of questioning of witnesses and accused.]

CM: _____, is there anything further you would like to say to the DRB, any other information you would like the DRB to consider, or any other witnesses you feel would be necessary to question?

ACC: _____

CM: _____, you are to step outside while we deliberate on your case. We will call you back in when we are finished.

[The members should now discuss the case and make a recommendation to the XO/CO via the CMC.]

CM: _____, the board recommends _____.

CM: You are dismissed.

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From: Chairman, Chief Petty Officer Disciplinary Review Board
To: Executive Officer
Via: Command Master Chief

Subj: REPORT OF DRB ICO _____

1. This reports the findings and recommendations of the CPO DRB held on _____ to consider the circumstances surrounding alleged misconduct.

2. The following board members were present:

3. Other personnel present:

4. All procedural safeguards were observed: the accused was advised of his/her rights under UCMJ Article 31(b), and the accused was given an opportunity to inspect all documents considered by the DRB.

5. Evidence and documents reviewed:

- a. Offense Report/ICR/NCIS Report/_____
- b. Service Record
- c. Division Officer's Notebook/Divisional file

6. Witnesses interviewed:

Enclosure (2)

7. Conclusion regarding offenses:

Substantiated/Unsubstantiated.

8. The DRB recommends the case be:

- dismissed.
- handled at department level (counseling sheet/LOI with specific corrective action).
- assigned EMI.
- EMI: _____ hours, from _____ to _____ (specifics addressed in comments).
- referred to CO for non-judicial punishment.

Other comments:

Chairman