

Non-judicial punishment

Not to be confused with Extrajudicial punishment.

A **non-judicial punishment (NJP)** in the United States Armed Forces is a form of military justice authorized by Article 15 of the Uniform Code of Military Justice. Non-judicial punishment or “NJP” permits commanders to administratively discipline troops without a court-martial. Punishment can range from reprimand to reduction in rank, correctional custody, confinement on bread and water/diminished rations (aboard ships only), loss of pay, extra duty, and/or restrictions. The receipt of non-judicial punishment does not constitute a criminal conviction (it is equivalent to a civil action), but is often placed in the service record of the individual. The process for non-judicial punishment is governed by Part V of the Manual for Courts-Martial and by each service branch’s regulations.

Non-judicial punishment proceedings are known by different terms among the services. In the Army and the Air Force, non-judicial punishment is referred to as **Article 15**; in the Marine Corps it is called being “NJP’d”, “Ninja Punched”, or being sent to “Office Hours”. The Navy and the Coast Guard call non-judicial punishment **captain’s mast** or **admiral’s mast**, depending on the rank of the commanding officer.

1 Hearing

Prior to imposition of NJP, the commander will notify the accused of the commander’s intention to impose punishment, the nature of the misconduct alleged, supporting evidence and a statement of the accused’s rights under the UCMJ. All service members, except those embarked or attached to a vessel currently away from its homeport, have a right to refuse NJP and request a court-martial. If the accused does not accept the NJP, the NJP hearing is terminated and the commander must make the decision of whether to process the service member for court-martial. If the accused accepts NJP, he or she, plus a representative if desired, will attend the hearing conducted by the commander. The accused may present evidence and witnesses to the commander. The commander must consider any information offered during the hearing, and must be personally convinced that the service member committed misconduct before imposing punishment.

2 Punishments

Maximum penalties depend on the rank of the accused and that of the officer imposing punishment:

2.1 For officers accused of misconduct

If the officer imposing punishment holds General Court Martial authority, or if the commanding officer of the grade O-7 or greater

- Arrest in quarters: not more than 30 days
- Restriction to limits: not more than 60 days
- Forfeiture of pay: not more than ½ of one month’s base pay for two months (base pay does not include allowances or special pay)
- Admonition or reprimand

By Commanding Officers of the grades O-4 to O-6

- Restriction to limits: not more than 30 days
- Admonition or reprimand

By Commanding Officers of the grades O-1 to O-3

- Restriction to limits: not more than 15 days
- Admonition or reprimand

By Officers In Charge (OIC)

- No NJP authority over officers

2.2 For enlisted members accused of misconduct

There are three types of non-judicial punishment commonly imposed.

Summary Article 15: commanders (O-3 and below) and commissioned OIC may impose:

- Restriction to specific limits (normally work, barracks, place of worship, mess hall, and medical facilities) for not more than 14 days

- Extra duties, including fatigue or other duties, for not more than 14 days
- Restriction with extra duties for not more than 14 days

Company Grade (O-3 or below) commanders may impose the above plus:

- Correctional Custody for not more than 7 days (only if accused is in the grades E-3 and below)
- Forfeiture of 7 days base pay
- Reduction by one grade, if original rank in promotion authority of imposing officer (USA/USAF E-4 and below.)
- Confinement on diminished rations or bread and water for not more than 3 days (USN/USMC E-3 and below only, and only when embarked on a vessel). (Per a 1995 amendment to NAVSO P-6064, Manual for Courts-Martial (MCM), United States (2000 edition), Appendix 1, Rule 1003, punishment of confinement on bread and water or diminished rations is not authorized as a punishment by a court-martial.^[1])
- Admonition or reprimand, either written or verbal

Field Grade (O-4 to O-6) may impose:

- Restriction for not more than 60 days
- Extra duties for not more than 45 days
- Restriction with extra duties for not more than 45 days
- Correctional Custody for not more than 30 days (only if accused is in the grades E-3 and below)
- Forfeiture of ½ of base pay for two months
- Reduction by one grade if (USA/USAF E-6 or E-5; USMC E-5 or below; USN E-6 or below); or reduction to E-1 (USA/USAF E-4 to E-2)
- Confinement on diminished rations or bread and water for not more than 3 days (USN/USMC E-3 and below only, and only when embarked on a vessel) An 1995 amendment to NAVSO P-6064, Manual for Courts-Martial (MCM), United States (2000 edition), Appendix 1, Rule 1003, punishment of confinement on bread and water or diminished rations is not authorized as a punishment imposable by a court-martial.^[2]
- Admonition or reprimand, either written or verbal

The punishments listed above may be combined (with certain limitations listed in the Manual for Courts-Martial, Part 5, Section 5(d)). For example, extra duties, restriction and forfeiture of pay, and reduction in grade could be imposed.

If the member considers the punishment to be unjust or to be disproportionate to the misconduct committed, he or she may appeal the NJP to a higher authority. This is usually the next officer in the chain of command. Upon considering the appeal, the higher authority may set aside the NJP, decrease the severity of the punishment, or may deny the appeal. They may not increase the severity of the punishment.

Personnel are permitted to refuse NJP in favor of a court-martial; this might be done in cases where they do not feel their Commanding Officer will give them a fair hearing. But this option exposes them to a possible criminal court conviction. Navy and Marine Corps personnel assigned to or embarked aboard ship do not have the option of refusing NJP, nor can they appeal the decision of the officer imposing punishment; they may only appeal the severity of the punishment.

3 See also

- Military law
- Extrajudicial punishment
- Military tribunals in the United States
- Courts-martial in the United States

4 References

- [1] <http://www.public.navy.mil/bupers-npc/support/correctionprograms/corrections/Documents/15102ConfinementonBreadandWater.pdf>
- [2] <http://www.public.navy.mil/bupers-npc/support/correctionprograms/corrections/Documents/15102ConfinementonBreadandWater.pdf>

5 External links

- Navy JAG Site
- 10 USC 815 (Article 15 - Non-Judicial Punishment)

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6.1 Text

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