

APPENDIX I

DEFINITIONS, ABBREVIATIONS, DIRECTIVES, & FORMS

A. Definitions:

1. **Accused** – Person against whom criminal charges are preferred in a court-martial.
2. **Accuser** – One who accuses; one who brings a charge of crime or fault. The accuser may be a person who signs and swears to charges (signs charge sheet DD-458 in block 11c), any person who directs that charges nominally be signed and sworn to by another, and any other person who has an other-than-official interest in the prosecution of an accused. [*See* Article 1(9), UCMJ.]
3. **Administrative Withholding of Privileges** – One of three types of administrative corrective measures. A privilege is a benefit, advantage, or favor provided for the convenience or enjoyment of an individual. Examples of privileges that may be temporarily withheld as administrative corrective measures are: special liberty; scheduling of leave during a particular period (but note: reasonable opportunity to take annual leave may not be denied); exchange of duty; participation in special command programs; access to base or ship libraries, base or ship movies, or enlisted or officers' clubs; base parking; and base or ship special services events. It may also encompass the withholding of special pay as well as commissary and exchange privileges, provided such withholding complies with applicable rules and regulations, and is otherwise in accordance with law. In all instances, unless properly delegated, final authority to withhold a privilege, however temporary, must ultimately rest with the level of authority empowered to grant the privilege. [*See*, subparagraph 1.G.1.c above.]
4. **Admonition** – Firm rebuke, cautionary advice or warning, or counseling against a fault or error. The less severe of the two types of punitive censure (the other being a reprimand). [*See*, subparagraph 1.E.2.a above; paragraph 5.c.(1), Part V, MCM; Article 8.E., Coast Guard Personnel Manual, COMDTINST M1000.6 (series).]

5. **Aggravation** – Information tending to further incriminate a member suspected of an offense, or in the case of sentencing, an accused convicted of a crime, including but not limited to the member’s character and military service, any recommendations made by subordinate commanding officers, the interest of justice, military exigencies, and the effect of any decision on the member and the command. [See, RCM 1001(b)(4); subparagraph 1.B.4.g above and section 4.D above.]

6. **Attached To or Embarked In a Vessel** – Attached to a ship or cutter or boat [see, definition of "vessel", this Appendix at 1.A.41 below]. A member attached to or embarked in a vessel has no right to demand trial by court-martial in lieu of NJP or, consequently, to consult with a military or civilian attorney prior to NJP regarding the option to demand trial by court-martial. [See, enclosure (4a) or (4b); subparagraphs 1.B.5.e and 1.B.5.f above.] A person is attached to or embarked in a vessel if, at the time NJP is imposed, that person is assigned or attached to an embarked staff, unit, detachment, squadron, team, air group, or other regularly organized body. [See Part V., paragraph 3, MCM.]

7. **Attorney-Client Relationship** – An attorney-client relationship exists between the accused and requested counsel when it has been properly authorized by the responsible authority, the requested counsel and the accused have had a privileged conversation relating to a charge pending before a proceeding (GCM, SPCM, Article 32 investigation), and the requested counsel has engaged in active pretrial preparation and strategy with regard to that charge. [See, subparagraph 3.H.3.b(2)(b) above.] An attorney-client relationship shall also attach when the right to consult is exercised, but for attorney-client privilege purposes only. [See, paragraph 1.C.2 above.]

8. **Booking Chit** - Completion of a Report of Offense and Disposition (CG-4910) (often called a “booking” or “report” chit) is often the first step in the NJP process. Completion of a CG-4910 is not required to initiate a preliminary inquiry. Form CG-4910 provides a step-by-step approach to document the actions taken by the command. A copy of a sample CG-4910 is provided in enclosure (2a). A blank CG-4910 is provided in enclosure (2b). [See, paragraph 1.B.1 above.]

9. **Charge Sheet** – Document on which charges are laid out, preferred (sworn to) and referred to a court-martial. Proper preparation of the charge sheet (Form DD-458) is the foundation of each trial and describes in precise terms the crime with which an accused is charged and must defend against and also the crime that the government must prove. [See, RCM 307.] Enclosure (10a) is a blank charge sheet. Appendix 4, MCM and enclosure (10b) contain sample charge sheets. Enclosure (10c) contains detailed instructions for the preparation of the charge sheet. [See, paragraph 3.D.1 above.]

10. **Civilian counsel** – Attorney who generally practices in the civilian sector and is not a member of any branch of the armed forces. Members may retain civilian counsel at no additional cost to the government to assist them in legal matters. Civilian attorneys practicing in a military court must abide by all relevant military laws. [*See*, sections 6.B and 6.C above.]
11. **Command** – (1) To have control or authority over as a commander; (2) that which is under the control or jurisdiction of a commander [*see*, definition of "unit", this Appendix at 1.A.39 below]. A member is “of the command” if he or she is assigned or attached thereto [*see*, paragraph 1.A.4 above].
12. **Commander** – An individual possessing inherent authority and exercising command and jurisdiction over a geographical or organizational unit; a commissioned or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a military organization or prescribed territorial area, which under pertinent official directives is recognized as a command [*see*, paragraph 2.a., Part V, MCM]. The exercise of authority by a commander may be restricted by a superior authority [*see*, paragraph 3.B.1 above].
13. **Commanding Officer** – A commissioned officer, detailed or assigned to command by competent authority, who has authority over all officers or other persons attached to the command and with whom lies absolute responsibility for the command’s safety, efficiency, and well being. [*See* Article 1(3), UCMJ; Coast Guard Regulations, COMDTINST M5000.3 (series) at pages 4–1, 5–1.] When discussing nonjudicial punishment, includes officers-in-charge unless otherwise distinguished. [*See*, subparagraph 1.A.3.a above.]
14. **Convening Authority** – Commander or commanding officer who issues the convening order establishing a court-martial and refers charges to a court-martial. Enclosure (9) of the Military Justice Manual is the Secretary, Department of Transportation, Designation of Convening Authorities. [*See also*, Articles 23 and 24, UCMJ.]
15. **Deferral of Administrative Forfeitures** - Postponement of the payment of administrative forfeitures under Article 58b, UCMJ for a stated period of time or until the convening authority takes action under RCM 1107.
16. **Executive Officer [XO]** – Officer next in rank to succeed the commanding officer. [*See*, Coast Guard Regulations, COMDTINST M5000.6 (series) at Article 5-2-7.] Responsible for designating a preliminary inquiry officer and conducting the preliminary inquiry [*see*, paragraph 1.B.3 above]. Generally responsible for reviewing the PIO report and CG-4910 [*see*, paragraph 1.B.5 above]. An XO has no NJP authority.

17. **Extenuation** – Information tending to explain the circumstances surrounding the commission of the offense(s). [*See*, paragraph 1.D.12 above.] This information tends to justify the imposition of a lighter sentence than might otherwise be awarded. [*See*, RCM 1001(c)(1).]
18. **Extra Military Instruction [EMI]** – One of three types of administrative corrective measures, it involves instruction in a phase of military duty in which an individual is deficient. It is intended for, and directed towards, the correction of that deficiency and is a legitimate training technique to be used for improving the efficiency of an individual within a command or unit through the correction of some deficiency in that individual's performance of duty. EMI may be assigned only if genuinely intended to accomplish that result. It is not to be used as a substitute for judicial (court-martial) punishment or nonjudicial punishment [NJP], and must be logically related to the deficiency in performance for which it was assigned. [*See*, paragraph 1.G.1.b above.]
19. **Immunity** - Freedom from prosecution for a witness granted by the government in exchange for the witness's testimony. Either transactional (immunity from prosecution for any event or transaction described in the compelled testimony) or testimonial (immunity from the use of the compelled testimony against the witness). Enclosures (13a), (13b), and (13c) are sample grants of immunity and orders to testify from the OEGCMJ. [*See*, RCM 704; section 3.K above.]
20. **Law Specialist** – Coast Guard officer certified to practice law by Chief Counsel. [*See*, subparagraph 6.F.1.a above.]
21. **Mast** – Alternatively known as Nonjudicial Punishment [NJP], Captain's Mast, or Article 15 Punishment, mast is a prompt and efficient tool available to commanding officers to maintain good order and discipline at the unit level. It is an administrative procedure, not a criminal procedure, and does not constitute a judicial finding of guilt or a conviction. Nevertheless, before awarding NJP, the mast authority must determine that there has been a violation of the UCMJ. Mast proceedings are generally open to the public. *See* Chapter 1.
22. **Mast Authority** – A Unit Commander, Commanding Officer, or the Officer-in-Charge responsible for conducting the mast. [*See*, paragraph 1.A.3 above.]
23. **Mast Representative** -The mast representative serves primarily to assist the member in preparing for mast and presenting his or her side of the matter and to speak for the member at mast, if the member desires. It is Coast Guard policy that the mast representative may question witnesses, submit questions to be asked of witnesses, present evidence, and make statements inviting the

- commanding officer's attention to those matters he or she feels are important or essential to an appropriate disposition of the matter. In addition, the mast representative may make a plea for leniency, and to that end, may solicit and submit statements regarding the reputation of the member at the unit as well as other matters in extenuation or mitigation. [*See*, paragraph 1.C.3 above.]
24. **Military Attorney** – Military officer qualified to practice law. Military attorneys are appointed as defense counsel at no cost to members, although members are not entitled to be represented by more than one military attorney. The detailed military attorney need not be certified in accordance with Article 27(b), UCMJ if detailed to a pre-mast consulting, but must be certified pursuant to 27(b) for all other matters. [*See*, RCM 506; section 6.F above.]
25. **Minor Offense** – Ordinarily, an offense should be considered minor if the maximum sentence that could be awarded at a general court-martial does not include a dishonorable discharge or confinement for more than 1 year. [*See*, paragraph 1.A.5 above.] Factors to be considered to determine whether an offense is minor: the nature of the offense and the circumstances surrounding its commission; the offender's age, rank, duty assignment, record and experience; and the maximum sentence permitted for the offense if tried by general court-martial [*see*, paragraph 1.e., Part V, MCM].
26. **Mitigation** – (1) Information that might justify the imposition of a lighter punishment than might otherwise be awarded; including but not limited to the member's character and military service, any recommendations made by subordinate commanding officers, the interest of justice, military exigencies, and the effect of the decision on the member and the command. [*See*, RCM 1001(c)(1); paragraph 1.D.12 above.] Alternatively, (2) reducing either the quality or quantity of a punishment. [*See*, RCM 1107(d)(1); paragraph 6.b., Part V, MCM.]
27. **Nonjudicial Punishment** – Alternatively known as NJP, Captain's Mast, Mast, or Article 15 Punishment, nonjudicial punishment provides commanding officers with the authority to impose punishment without resort to judicial forums such as court-martial. It is a prompt and efficient administrative procedure available to CO's to maintain good order and discipline at the unit level. In order to impose NJP, it must be determined that there has been a violation of the UCMJ. These proceedings are generally open to the public. [*See*, Part V, MCM; Chapter 1 above.]
28. **Nonpunitive Censure** – One of three types of administrative corrective measures, nonpunitive administrative letters of censure are not punitive and may be administered either orally or in writing. Nonpunitive letters of censure are private in nature and, other than administrative letters of censure issued by

- the Commandant, shall not be forwarded to the Chief of Personnel, quoted in, or appended to, performance reports, included as enclosures to investigative reports, or otherwise included in official Coast Guard records of the recipient. This measure operates independently of Article 15, UCMJ. [See, subparagraph 1.G.1.d above; Article 8.E.4., Coast Guard Personnel Manual, COMDTINST M1000.6 (series).]
29. **Officer-in-Charge** – A noncommissioned warrant officer or petty officer assigned to command a unit by the Commandant, area, district, or MLC Commander. [See, Article 1(4), UCMJ, Coast Guard Regulations, COMDTINST M5000.3 (series) at page 4-21.]
30. **Preliminary Inquiry** – Initial investigation and examination of an offense conducted by a preliminary inquiry officer (PIO). [See, paragraph 1.B.4 above.] Any report of misconduct may serve as the basis for initiating a preliminary inquiry; the completion of a CG-4910 is not required before a preliminary inquiry.
31. **Preponderance of the Evidence** - The greater weight of the evidence; burden of proof equivalent of "more likely than not." NJP employs this burden of proof [see, subparagraph 1.D.1.f above].
32. **Pretrial Restraint** -Moral or physical restraint on a person's liberty that is imposed before and during disposition of offenses. [See, RCM 304/305; section 3.C above and paragraph 1.B.2 above.]
33. **Rehabilitation** – The act or state of rehabilitating *i.e.*, the restoration of someone to a useful place in society or the military. This may involve the restoration of former rank, privileges, or rights. NJP has an important rehabilitative component in that it may promote positive behavioral changes in the member subject to NJP. [See, subparagraph 1.A.2.b above.] Rehabilitation is also one of the recognized purposes of court-martial punishment. [See, RCM 1001(b)(5).]
34. **Remission** - A cancellation of the remaining or unexecuted portion of punishment or sentence. [See, RCM 1108; paragraph 6.c., Part V, MCM.]
35. **Reprimand** – Severe, formal, or official rebuke or censure. The more severe of the two types of punitive censure (the other being an admonition). [See, subparagraph 1.E.2.a above; paragraph 5.c.(1), Part V, MCM; Article 8.E., Coast Guard Personnel Manual, COMDTINST M1000.6 (series).] Letters of reprimand should adhere closely to the form of enclosure (6b). [See, RCM 1003(b)(1).]

36. **Serious Offense** – An offense involving personal violence, or attempted or threatened personal violence, or for which a maximum period of confinement of 1 year or more would be authorized under the MCM. “Serious offense” also includes an offense involving the destruction or permanent loss of property of a value of more than \$500. [See, subparagraph 3.M.3.c above.] Serious offenses are not normally disposed of through NJP. [See, paragraph 1.A.5 above.] Serious offenses must be reported as required by Criminal History Reporting for Military Suspects, COMDTINST 5580.1 (series). [See, subparagraph 1.B.1.d above.]
37. **Servicing Legal Office** – Unit (those with an assigned attorney such as the Academy or the Yard), District, or Maintenance and Logistics Command [MLC] legal office responsible for providing legal advice to the unit in question. For the purposes of military justice, District units are serviced by the District legal office; Area and MLC units by the cognizant MLC legal office, and Headquarters and Headquarters units are serviced by the MLC legal office with responsibility for the geographic area in which the unit is operating. The servicing legal office should be often briefed and consulted during various stages of legal proceedings, including preliminary inquiries, NJP, and contemplated courts-martial.
38. **Spokesperson** - An alternative to a mast representative provided for at paragraph 4.c.(1)(B), Part V, MCM. A spokesperson is different from a mast representative and does not perform the same role at a mast. A spokesperson does not have to be a crewmember or even a member of the Coast Guard. A spokesperson is provided or arranged for solely by the member at no cost to the government. A command need not allow a spokesperson to accompany the member so long as the punishment to be imposed will not exceed extra duty for 14 days, restriction for 14 days, and an oral reprimand. [See, paragraph 1.C.4 above.]
39. **Unit** – A Coast Guard unit is a separately identified Coast Guard organizational entity, under a duly assigned commanding officer, provided with personnel and material for the performance of a prescribed mission. [See, subparagraph 1.A.3.a above.]
40. **Unlawful Command Influence** – Instance in which a member of command, often the convening authority or another senior officer, acts to censure, reprimand, or admonish the court or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceedings; attempting to coerce or unlawfully influence the action of a court-martial or any other military tribunal or member thereof. [See, Article 37, UCMJ.]

41. **Vessel** – Includes every description of watercraft or other artificial contrivance, used or capable of being used, as a means of transportation on water. [*see also*, 1 U.S.C. § 3, RCM 103(20)]. The term specifically includes all Coast Guard ships and boats with assigned commanding officers or officers-in-charge, including a Coast Guard Independent Maritime Response Vessel (IMARV).
42. **Victim** – A person who suffers direct or threatened physical, emotional, or financial harm as the result of an offense. The term also includes the immediate family or guardian of a minor who is a victim and the immediate family of a homicide victim. [*See*, subparagraph 3.M.3.a above.]
43. **Witness** – One who can give a first-hand account of something seen, heard, or experienced; one who furnishes evidence. A person who participates in a Coast Guard criminal investigation or proceeding for the purpose of providing information or evidence concerning an offense within the investigative jurisdiction of the Coast Guard. When the witness is a minor this term includes the minor’s parent, guardian, or any person having legal custody of the minor. For the purposes of the Victim-Witness Assistance Program, the term “witness” does not include a person allegedly involved in an offense as a co-conspirator, accomplice, or other principal. [*See*, subparagraph 3.M.3.b above.]

B. Abbreviations:

1. **ABA** - American Bar Association.
2. **ACC** - the accused.
3. **AE** - appellate exhibit.
4. **AOR** - area of responsibility.
5. **BCD** - bad conduct discharge.
6. **CA** - convening authority.
7. **CAAF** - Court of Appeals for the Armed Forces.
8. **CGCCA** - Coast Guard Court of Criminal Appeals.

9. **CGIS** - Coast Guard Investigative Service.
10. **CO** - commanding officer.
11. **DAPAM** – Department of the Army Pamphlet.
12. **DC** - defense counsel.
13. **DD** - dishonorable discharge.
14. **DE** - defense exhibit.
15. **DoD** – Department of Defense.
16. **DoT** – Department of Transportation.
17. **EMI** – extra military instruction.
18. **GCM** - general court-martial.
19. **GCMCA** - general court-martial convening authority.
20. **HRSIC** – Human Resources Service Information Center.
21. **IMC** – individual military counsel.
22. **IO** - investigating officer.
23. **IRO** - initial review officer.
24. **JAGC** - U.S. Navy Judge Advocate General's Corps.
25. **JAGMAN** – U.S. Navy Judge Advocate General Manual.
26. **MCM** – Manual for Courts-Martial; if not in reference to the most current edition the specific edition will be specifically referenced.
27. **MJM** - Military Justice Manual, COMDTINST M5810.1D.

28. **MLC** – Maintenance & Logistics Command.
29. **MOU** – memorandum of understanding.
30. **MRE** – Military Rules of Evidence, Manual for Courts–Martial.
31. **NJP** – nonjudicial punishment.
32. **OEGCMJ** – Officer Exercising General Court–Martial Jurisdiction.
33. **PCS** – permanent change of station.
34. **PDR** – personal data record.
35. **PE** - prosecution exhibit.
36. **PERSRU** – personnel reporting unit.
37. **PIO** – preliminary inquiry officer.
38. **RCM** – Rule for Courts-Martial, Manual for Courts-Martial.
39. **ROT** – record of trial.
40. **SCM** – summary court-martial.
41. **SpCM** – special court-martial.
42. **SPCMCA** - special court-martial convening authority.
43. **SF** – standard form.
44. **SJA** – staff judge advocate.
45. **SJAR** – staff judge advocate’s recommendation.
46. **TAD** – temporary additional duty; temporary duty.
47. **TC** - trial counsel.

48. **TJAG** – The Judge Advocate General; the senior military lawyer assigned to legal duties under the military justice system in each branch of the service. For the Coast Guard the TJAG (also referred to as TJAGCG) is the General Counsel, Department of Transportation.
49. **TJAGCG** – The Judge Advocate General of the Coast Guard (General Counsel, Department of Transportation).
50. **VWAP** – Victim and Witness Assistance Program.
51. **UCMJ** – Uniform Code of Military Justice; 10 USC §§ 801 – 946.
52. **USC** - United States Code.

C. Referenced Directives

1. Administrative Investigations Manual, COMDTINST M5830.1 (series).
2. Coast Guard Personnel Manual, COMDTINST M1000.6 (series).
3. Coast Guard Regulations, COMDTINST M5000.3 (series).
4. Reserve Policy Manual, COMDTINST M1001.28 (series).
5. Criminal History Reporting for Military Suspects, COMDTINST 5580.1 (series).
6. Department of Transportation Travel Manual (DoT Order 1500.6).
7. Information Security Program, COMDTINST M5510.21 (series).
8. Investigative Assistance, COMDTINST 5520.5 (series).
9. Medals and Awards Manual (COMDTINST M1650.25 (series).
10. Military Personnel Data Records (PDR) System, COMDTINST M1080.10 (series).

11. Personnel & Pay Procedures Manual, HRSICINST M1000.2 (series)
12. Source Data Automation (SDA) II User Manual, HRSICINST M5231.2 (series)

D. **Forms**

***How to obtain forms.** The DD and NAVPERS forms are available from the Forms and Publications Segment of the Navy Supply System as cognizance symbol “I” material and may be obtained in accordance with the instructions in Navy Stock List of Forms and Publications, NAVSUP Publication 2002. The SF forms are available from GSA Stores and Forms Supply Depots. See NAVSO Publication 2345.*

***Forms prescribed by MCM.** Where forms are prescribed by the Manual for Courts-Martial, but are not immediately available, convening authorities may improvise as necessary, using the MCM, and its appendices as guides.*

1. CG-4910 Report of Offense and Disposition (8/92). This form is available on Jetform Filler.
2. SF-1156A Public Voucher for Fees and Mile-age of Witnesses (9/73), S/N 7540-00-634-4346.
3. SF-1157 Claim for Fees and Mileage of Witness (9/73). This form is available on Jetform Filler.
4. DD-453 Subpoena for Civilian Witness (84 AUG), S/N 0102-LF-000-4530. This form is available on Jetform Filler.
5. DD-453-1 Travel Order (84 AUG), S/N 0102-LF-000-4535. This form is available on Jetform Filler.
6. DD-455 Report of Proceedings to Vacate Suspension (84 AUG), S/N 0102-LF-000-4550. This form is available on Jetform Filler.
7. DD-457 Investigating Officer’s Report (84 AUG), S/N 0102-LF-000-4570. This form is available on Jetform Filler.
8. DD-458 Charge Sheet (84 AUG), S/N 0102-LF-000-4580. This form is available on Jetform Filler.

9. DD-490 Verbatim Record of Trial (1 Mar 70), S/N 0102-LF-005-1201. This form is available on Jetform Filler.
10. DD-491 Summarized Record of Trial (1 Apr 70), S/N 0102-LF-005-1601. This form is available on Jetform Filler.
11. DD-494 Court-Martial Data Sheet (Optional) (1 Jun 70), S/N 0102-LF-005-1901.
12. DD-2329 Record of Trial by Summary Court-Martial (84 AUG), S/N 0102-LF-002-3290. This form is available on Jetform Filler.
13. DD-2330 Waiver/Withdrawal of Appellate Rights- Review by Court of Military Review (84 AUG), S/N 0102-LF-002-3300. This form is available on Jetform Filler.
14. DD-2331 Waiver/Withdrawal of Appellate Rights-Review by Judge Advocate General (84 AUG), S/N 0102-LF-002-3310. This form is available on Jetform Filler.
15. NAVPERS 1640/4 Confinement Order (Rev 4-98). This form is available on Jetform Filler.
16. DD-2704 Victim-Witness Certification and Election Concerning Inmate Status. This form is required by Naval Brigs when accepting a confinee. A blank form is included in enclosure (14f). It may be locally reproduced.

