



COMDTINST M5810.1D  
17 August 2000

COMMANDANT INSTRUCTION M5810.1D

Subj: MILITARY JUSTICE MANUAL

Ref: (a) Uniform Code of Military Justice, 10 U.S.C. §§ 801 – 946 (as amended)  
(b) Manual for Courts-Martial (MCM), United States (current edition)

1. PURPOSE. This Manual prescribes the Judge Advocate General of the Coast Guard (General Counsel, Department of Transportation) and Chief Counsel (Commandant G-L)) policies, regulations, and procedures applicable to the administration of military justice in the Coast Guard pursuant to, and in support of, references (a) and (b).
2. ACTION. Coast Guard personnel shall administer the Coast Guard military justice system in accordance with references (a), (b), and this Manual. Staff Judge Advocates [SJAs] and assistants (Coast Guard law specialists performing military justice duties) shall perform duties and provide military justice advice in accordance with references (a), (b), and this Manual. Convening authorities shall ensure the administration of military justice within their chain of command consistent with references (a), (b), and this Manual. General and special courts-martial convening authorities listed in section 3.A of this Manual shall make the contents of this Manual available to all individuals involved in the administration of military justice. The policies, regulations, and requirements of this Manual shall, insofar as is possible, be interpreted consistently with references (a) and (b) and control the application of the military justice system to military members of the Coast Guard except as may be otherwise provided.
3. DIRECTIVES AFFECTED. Military Justice Manual, COMDTINST M5810.1C, of 15 January 1991, as amended by changes 1 - 4, is cancelled.

**DISTRIBUTION – SDL No. 138**

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**NON-STANDARD DISTRIBUTION:** General Counsel, DoT (2); TJAGs USA, USN, USAF (1); SJA to COMDT, USMC (1); NAVJSTSCOL (25); TJAGSA (1); AFJAG SCHOOL (1); FLETRACEN, CODE 50 San Diego (6), University of Minnesota Law Library (1).

4. **BACKGROUND.** The Uniform Code of Military Justice [UCMJ] was first passed into law on May 5, 1950 and became effective on May 31, 1951. The UCMJ as the first unified military criminal justice system applicable to all five United States military services, has been kept current through significant legislative changes in 1968 and 1983 and frequent minor changes. Through the Manual for Courts-Martial [MCM] the President of the United States, as Commander in Chief, implements the UCMJ. The MCM similarly has undergone frequent review and change. The Coast Guard Military Justice Manual implements the Judge Advocate General of the Coast Guard [TJAG or TJAG CG], Chief Counsel, and Coast Guard policies, regulations, and procedures pursuant to the UCMJ and MCM. The UCMJ reached its 50<sup>th</sup> anniversary in May, 2000. It is only appropriate that the MJM keep pace with the flexible and dynamic system of justice applicable to the men and women of the Coast Guard. This rewrite and reorganization of the Military Justice Manual celebrates 50 years of service, innovation, and growth under the UCMJ.
5. **DISCUSSION.** As is stated in paragraph 3 to Part I, Preamble to the Manual for Courts-Martial (1998 ed.):

Military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. *The purpose of military law is to promote justice, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and effectiveness in the military establishment, and thereby to strengthen the national security of the United States.* [Emphasis added.]

This Manual furthers the balance reflected in the U.S. Constitution, UCMJ, and MCM to provide justice for the individual and good order and discipline in a demanding and flexible military environment. The Coast Guard military system demands this balance be successfully maintained in every venue from major metropolitan office building to rural small boat station; from men and women assigned in all 50 states, territories, and foreign shores to those deployed at sea and in the air; to personnel performing mainstream Coast Guard duties to those assigned to other military and civilian agencies, foreign and domestic; to our active duty, reserves, and retirees.

6. **PROCEDURES.** The policies, regulations, and procedures contained in this Manual are applicable to all military justice system actions taken concerning Coast Guard members subject to the UCMJ. This Manual may be cited as “Coast Guard Military Justice Manual” or, when the context is clear, as “Military Justice Manual,” or “MJM.” The signed and original version of this Manual is maintained in the Chief Counsel’s Office of Military Justice.

- a. Accurate and complete versions of this Manual will be distributed or made available to units as follows:
  - (1) To all units indicated in the next Coast Guard Directives System CD-ROM; and
  - (2) Available on the Chief Counsel's Office of Military Justice intranet site: <http://cgweb.comdt.uscg.mil/g-lmj/index.htm> and on the internet DoT web site: <http://isddc.dot.gov>, or its successor site.
- b. The Office of Military Justice intranet site will contain at a minimum:
  - (1) A web browser file that will, by default, be viewable and printable on the CG SWIII identical in substance, form, and style to the original Manual maintained on file in the Chief Counsel's Office of Military Justice. An unaltered display or printout of the browser file in its default form will be considered an accurate copy of this Manual.
  - (2) A downloadable series of word processing files optimized for viewing in "Master Document" view in Microsoft Word. Use of those files in a view other than "Master Document" view will disable most of the cross-reference, outline, and automatic table of contents and indexing features and will return error results. The word processing files are intended for use by those who need to edit and propose changes to the MJM or who may be proficient at using "Master Document" and prefer to view the Manual in that capacity. The word processing files will not be considered official versions of the Manual because of their dependence upon platform capabilities, user software configuration and settings, and the ease in which those files can be amended without it being apparent.
- c. The Coast Guard Directives System CD-ROM and DoT web site will contain a web browser file that will, by default, be viewable and printable on the CG SWIII identical in substance, form, and style to the original Manual maintained on file in the Chief Counsel's Office of Military Justice. An unaltered display or printout of the browser file in its default form will be considered an accurate copy of this Manual.
- d. Printed copies of this Manual will be mailed to all units in any SDL category who, at the time of promulgation of this Manual, do not have CGSWIII installed, do not have connection to the Coast Guard intranet, or who have been identified as having unique requirements for the printed manual (*i.e.*, the Coast Guard Academy's requirement for printed manuals for loan, reference, and use by active duty, cadet, and officer candidate students). All other units desiring all or part of this Manual in printed form shall print and reproduce their requirements locally.

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7. REQUESTS FOR CHANGES. Units and individuals may recommend changes to this Manual via the chain of command to Commandant (G-LMJ). Units and individuals may recommend Coast Guard sponsored changes to references (a) or (b) via the chain of command to Commandant (G-LMJ).
8. MAJOR CHANGES. This Manual has been extensively revised from its earlier edition in substance, organization, and form. It is current through legislative changes contained in the 1999 National Defense Authorization Act and the Manual for Courts-Martial (1998 Edition). Major changes to the prior version of this Manual are detailed in the Summary of Major Changes immediately following this promulgation letter.
9. REPORTS AND FORMS. The following reports and forms are required by the Military Justice Manual:
  - a. The following reports are required by this Manual:
    - (1) Subparagraph 1.A.4.f requires a non-Coast Guard commanding officer to forward a report of the offense and punishment awarded to a Coast Guard member to Commandant (G-LMJ) and the member's Coast Guard program manager.
    - (2) Paragraph 1.B.1 requires the completion and submission of a Report of Offense and Disposition (CG-4910) to the accused's command upon determination of an offense requiring further investigation and potential for resolution under Article 15, UCMJ.
    - (3) Subparagraph 1.B.1.d requires reporting of serious offenses as required by Criminal History Reporting for Military Suspects, COMDTINST 5580.1 (series).
    - (4) Subparagraph 1.B.1.d requires reporting of allegations of rape or sexual assault in accordance with Reporting of Rape and Sexual Assault, COMDTINST 1754.10 (series).
    - (5) Subparagraph 1.B.4.a requires an assigned investigating officer to complete and submit to the authority requiring a pre-mast investigation a completed Form CG-4910 or, in the alternative, a Report of Investigation under the Administrative Investigations Manual, COMDTINST M5830.1 (series).
    - (6) Paragraph 2.G.1 requires the Summary Court-Martial to make a report when an accused is convicted of disputed charges.
    - (7) Subparagraph 3.B.7.c addresses the circumstances where it appears Coast Guard personnel have committed several offenses, including both major federal offenses and serious but purely military offenses. Coast Guard authorities are authorized to investigate all of the suspected military offenses, and such of the civil offenses as may be practical, and to retain the accused for prosecution. Such action should be reported immediately to the Chief Counsel, the servicing legal office, and the Officer Exercising General Court-Martial Jurisdiction (OEGCMJ).

- (8) Paragraph 3.D.3 indicates when a report of investigation into misconduct is required to be forwarded to superior or alternate authority and when the other authority is required to report its action to the forwarding command.
- (9) Subparagraph 3.L.2.a provides a restriction to preclude submission of the normal investigative report to CGIS without the approval of the defense counsel in cases where a CGIS agent has been provided to detailed defense counsel to provide investigative assistance.
- (10) Subparagraph 3.L.2.c requires when a CGIS agent is assigned to assist defense counsel, upon completion of the assignment that the agent shall submit a report to the Commandant (G-O-CGIS), via the chain of command, containing an account of the investigative assistance provided, including any travel performed and expense involved. This report shall be subject to any restrictions imposed by defense counsel, and shall be subject to the defense counsel's prior review and approval if he or she so desires.
- (11) Subparagraph 3.H.1.c requires the Chief Trial Judge to forward a copy of the court-martial docket monthly to Commandant (G-LMJ).
- (12) Subparagraph 4.C.5.f requires the military judge and certified counsel who take a one time oath proscribed in paragraph 4.C.5 to transmit a signed copy to the Chief Counsel, U.S. Coast Guard. A signed copy of the oath taken by the court reporter shall be filed in his or her official service record.
- (13) Section 4.F requires detailed trial counsel to notify and file a report with Commandant (G-LMJ) when trial counsel believes a military trial judge's ruling or order is one that should be appealed.
- (14) Subparagraph 5.A.1.e(1) requires trial counsel after final adjournment of the court-martial to promptly notify the accused's commanding officer, the convening authority, and, if appropriate, the officer-in-charge of the confinement facility of the findings and sentence. A copy of the report shall be provided to detailed and other defense counsel.
- (15) Paragraph 5.A.4 prescribes the disposition of original and copies of required records of trial [ROT] prepared in accordance with section 5.A.
- (16) Paragraph 5.B.1 directs military judges to submit a letter report upon final adjournment of each court-martial.
- (17) Section 5.G prescribes the requirement for, format of, and distribution of promulgating orders for general and special courts-martial.
- (18) Section 5.I prescribes the mechanism whereby Commandant (G-LMJ) shall provide an accused with notice of the Coast Guard Court of Criminal Appeals decision once it is announced.

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- (19) Subparagraph 6.A.2.b prescribes that a suspected Article 37(a), UCMJ violation (unlawful command influence) shall promptly be reported to appropriate authorities, including the command of the suspected violator, trial counsel, military judge, or convening authority of any potentially affected military justice proceeding.
  - (20) Paragraph 6.C.1 prescribes that when detailed trial counsel after a full development and evaluation of the evidence, is of the opinion there is a lack of merit in the case to be prosecuted, and that as a matter of ethical conscience the charge(s) and specification(s) should be reduced or dismissed, he or she shall communicate in writing such belief, together with the reasons therefor, to the convening authority together with a recommendation as to the appropriate disposition of the case. The same paragraph also prescribes the report required by the convening authority if he or she does not concur with the detail trial counsel's recommendation.
  - (21) Subparagraph 6.D.2.b designates the Chief Counsel as the Officer Evaluation Report assigned supervisor, reporting officer, and reviewing officer for the Chief Trial Judge.
  - (22) Section 6.G prescribes various reports required to the Chief Counsel, and in certain cases from the Chief Counsel to The Judge Advocate General of the Coast Guard concerning personal or professional misconduct by a military trial judge, appellate judge or other attorney practicing in proceedings governed by the UCMJ and MCM that is a violation of an applicable standard of professional responsibility or calls into question the fitness of a military trial or appellate judge to perform his or her judge duties.
  - (23) Paragraph 7.B.9 requires letter reports in cases involving the requested delivery of personnel to civil authorities when: delivery is ultimately refused; extradition procedures were utilized in effecting the deliver; or the advance approval of the Chief Counsel was necessary.
  - (24) Section 7.C prescribes the application, report, and notification procedures required in requesting, executing, and reporting the results of a search pursuant to a search authorization issued by a military judge or commanding officer.
- b. The following forms are required by this Manual:
- (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.

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