



DEPARTMENT OF THE NAVY

COMMANDING OFFICER  
NAVAL BASE SAN DIEGO  
3455 SENN RD.  
SAN DIEGO, CA 92136-5084

NAVBASESANDIEGOINST 1620.2A  
N05M  
22 Jan 08

NAVBASE SAN DIEGO INSTRUCTION 1620.2A

Subj: NON-PUNITIVE MEASURES

Ref: (a) JAGINST 5800.7E (JAGMAN)  
(b) MCM (2005 ed.)  
(c) OPNAVINST 3120.32C

Encl: (1) Extra Military Instruction Memorandum  
(2) Record of Counseling

1. Purpose. Provide guidelines on the use of non-punitive measures for service members assigned to Naval Base San Diego (NBSD).

2. Cancellation. NAVBASESANDIEGOINST 1620.2. This instruction implements changes updated in reference (a) and revises enclosures (1) and (2).

3. Non-punitive Measures. The term "non-punitive measure" means an administrative corrective measure used to correct minor performance deficiencies, promote discipline, and further the efficiency of the command. Non-punitive measures fall into four areas: Extra Military Instruction (EMI), administrative withholding of privileges, non-punitive censure, and counseling. The authority and limitations to impose non-punitive measures is derived from references (a) through (c).

4. EMI

a. EMI is defined as instruction in a phase of military duty in which an individual is deficient, and is intended for and directed towards the correction of that deficiency.

b. It is a bona fide training technique used for improving the efficiency of an individual within a command through the correction of some deficiency in that individual's performance of duty.

c. It is not to be used as a substitute for judicial action (court-martial) or non-judicial punishment (NJP), and must be logically related to the deficiency in performance for which it was assigned.

d. EMI shall be conducted within the following limitations:

(1) May be assigned for no more than two hours per day. It may be assigned only for the number of days necessary to correct the performance deficiency. Any period longer than two weeks should be discussed with the Command Judge Advocate (CJA) prior to continuance of the EMI.

(2) Any officer, chief petty officer, or petty officer superior in the chain of command may assign EMI during normal working hours. If warranted, a superior may withhold this authority.

(3) Only Department Heads may assign EMI outside normal working hours and if so assigned, EMI must be conducted at a reasonable time. This power of assignment may not be further delegated.

(4) EMI will not be used for the purpose of depriving the member of normal liberty. A member who is entitled to normal liberty may commence liberty upon completion of EMI.

(5) EMI will not be conducted on the member's Sabbath or on recognized religious holidays.

(6) EMI will be documented using enclosure (1) and inserted in the Division Officer's notebook. A copy shall be provided to the CJA.

##### 5. Administrative Withholding of Privileges

a. 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 are: special liberty; exchanges of duty; special command programs; access to base theater or clubs; and parking privileges. The final authority to withhold a privilege rests with the authority who grants it.

b. Deprivation of normal liberty as punishment, unless authorized under the Uniform Code of Military Justice (UCMJ), is illegal. There are, however, valid circumstances under which normal liberty may be limited or deprived. EMI outside of normal working hours is not punishment. It is also permissible to have personnel remain aboard outside normal working hours to complete work assignments that could/should have been completed during the normal workday, to perform additional essential work, or to maintain the required level of operational readiness.

6. Non-punitive Censure

a. Non-punitive censure is an adverse opinion or criticism of an individual's conduct or performance of duty. This criticism may be made orally or in writing. Any superior in the chain of command may issue a non-punitive censure to a subordinate.

b. A Non-Punitive Letter of Caution (NPLOC) is a written non-punitive censure. It is not considered punishment; rather, the letter is used to remedy a noted deficiency in personal conduct. The contents of the letter may include the following: identification of undesirable conduct, direction for improvement, language of admonishment, sources of assistance and consequences of failing to correct the deficiencies. A sample NPLOC may be found at Appendix A-1-a to reference (a).

c. A NPLOC will be kept a personal matter between the member and superior issuing the letter. The existence of the letter may not be quoted in fitness reports or evaluations, enclosed to investigations, or included on official departmental records of the recipient. However, the underlying facts concerning the deficiency in performance or conduct may be used for any proper purpose, including comments in an evaluation or fitness report.

d. A Letter of Instruction (LOI) is a tool used to remedy performance deficiencies while a NPLOC is used to remedy deficiencies in personal conduct. A LOI, if used, must describe specific performance weaknesses, recommend suitable and reasonable measures for improvement, clearly establish the desired performance standard, and if appropriate, establish a period of time for correction of the performance deficiency. The LOI must be delivered to the service member at the time of counseling and the service member should acknowledge receipt in writing. Note that counseling and guidance, including the issuance of a LOI, may not be appropriate for misconduct, unsatisfactory performance involving a significant event, or loss of confidence. The issuance of a LOI may not be mentioned in performance evaluations and fitness reports.

7. Counseling

a. Counseling is guidance (oral or written) provided to a service member in order to solve a problem, to document assistance provided, or to improve the performance of the service member.

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b. Departmental counseling, also known as Record of Counseling, is used to correct a deficiency. This counseling may be mentioned in the member's performance evaluations. Departmental counseling will be documented using enclosure (2) and filed in the Division's Officer notebook.

c. Administrative Counseling/Warning (NAVPERS 1070/613), also known as a "Page 13" may be used to document violations of the UCMJ. It is filed in the member's service record and may be used for administrative separation processing in certain circumstances. Do not complete a page 13 for misconduct without first consulting with the office of the CJA.

8. Inform CJA. In order to monitor the assignment and effectiveness of non-punitive measures, each department should keep the CJA advised of all assignments and counseling (except departmental counseling under paragraph 6(b)).



D. R. SMITH

Distribution:

[www.cnic.navy.mil/sandiego/index.htm](http://www.cnic.navy.mil/sandiego/index.htm)

NAVBASESANDIEGOINST 1620.2A  
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EXTRA MILITARY INSTRUCTION MEMORANDUM

From: Commanding Officer, Naval Base San Diego  
To: PS2 Davey Jones, USN

Subj: ASSIGNMENT OF EXTRA MILITARY INSTRUCTION (EMI)

Ref: (a) JAGMAN, Article 0103

1. Your performance indicates the following deficiencies: you have been late to morning muster twice in the past week.
2. Per reference (a), the following EMI is assigned to assist you in overcoming this deficiency:
  - (a) Muster with me at 0700 every working day from 0700-0800 in clean utilities;
  - (b) Bring an updated alpha roster to morning muster at 0730;
  - (c) Account for all department personnel;
  - (d) Be responsible for turning in daily muster report to the Division Officer.
4. This EMI shall commence on 25 July 2008, and end on 1 August 2008.

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A. P. ANCHORS

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1. I hereby acknowledge notification of the above EMI. I have read and understand reference (a) and I am aware that failure to perform said EMI in the manner set out therein is a violation under Article 92, UCMJ, which is punishable by either NJP or court-martial.

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D. JONES

Enclosure (1)

RECORD OF COUNSELING

Date:

PRIVACY ACT STATEMENT

The authority for requesting the following information is contained in 5 U.S.C. Sec. 301, 10 U.S.C. 5947, 44 Sec 3101 and Executive Order No. 9397. This information will be used to document quality force counseling actions not prescribed in other directives. Department of the Navy Personnel may also use the information for evolutions and determinations in the disciplinary, punitive and/or administrative actions. Disclosure of this information is voluntary.

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**NAME (Last, First, MI)                      GRADE                      SSN**

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**DIVISION/WORKCENTER/DUTY SECTION**

**NAME/GRADE of Counselor**

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REASON for COUNSELING

- |   |  |                                       |
|---|--|---------------------------------------|
| <input type="checkbox"/> PERFORMANCE        | <input type="checkbox"/> RESPONSIBILITIES      | <input type="checkbox"/> OJT PROGRESS |
| <input type="checkbox"/> CAREER ADVANCEMENT | <input type="checkbox"/> SUPPORT OF DEPENDENTS | <input type="checkbox"/> INDEBTEDNESS |
| <input type="checkbox"/> APPEARANCE         | <input type="checkbox"/> PERSONAL BEHAVIOR     | <input type="checkbox"/> OTHER        |

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REASONS WHICH CAUSED THE COUNSELING REQUIREMENT

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PLAN (Developed by the Member and the Counselor) TO CONTINUE SUPERIOR PERFORMANCE OR TO OVERCOME PROBLEM(S) AND PRECLUDE FUTURE INVOLVEMENT. (Outline all the resolutions discussed and indicate which actions the member has personally elected to pursue)

Signature of Counselor/Date\_\_\_\_\_.

Signature of Member/Date\_\_\_\_\_.

I DO/DO NOT desire to make a statement.