DEPARTMENT OF THE NAVY
U.S. NAVAL SUPPORT ACTIVITY
PSC 817 BOX 1
FPO AE 09622-0001

NAVSUPPACT NAPLES INST 5800.4B
N01J

27 APR 2012

NAVSUPPACT NAPLES INSTRUCTION 5800.4B

From: Commanding Officer, U.S. Naval Support Activity, Naples, Italy

Subj: LIBERTY RISK POLICY

Ref: (a) U.S. Navy Regulations 1990, Chapter 9, Article 0921
(b) JAGINST 5800.7E, Manual of the Judge Advocate General, Part A, Section 0104

Encl: (1) Sample Class A Liberty Risk Assignment
(2) Sample Class B Liberty Risk Assignment
(3) Sample Class C Liberty Risk Assignment
(4) Sample Class D Liberty Risk Assignment

1. Purpose. Per references (a) and (b), this instruction sets forth guidelines for the management of the U.S. Naval Support Activity (NAVSUPPACT), Naples, Italy liberty risk policy.

2. Cancellation. NAVSUPPACT NAPLES INST 5800.4A

3. Background. Liberty for enlisted personnel and officers is a privilege and not an unrestricted right when stationed overseas or visiting overseas locations. Many foreign nationals form opinions of the United States largely based on their observation of U.S. military personnel. The unique situation in the Naples, Italy, area of responsibility (AOR) demands appropriate conduct by all military personnel while on liberty. Good conduct and high moral principles enhance the reputation of the U.S. military, and create favorable attitudes toward the United States. The U.S. presence must remain low-key and minimize its impact on the local community. An appropriate balance between enjoying well-deserved liberty and eliminating any potential for host nation friction is required. The goal of the liberty risk program is to ensure that all personnel can continue to enjoy the culture of a host nation without losing liberty privileges as a result of the ill-considered actions of a few. A member whose conduct is discrediting or demonstrates the lack of ability to behave appropriately while on liberty represents a risk, where such behavior would bring embarrassment to the U.S. Government.

4. Scope. This instruction applies to all permanently assigned U.S. military personnel or those assigned Temporary Duty or Temporary Additional Duty to NAVSUPPACT Naples. Deployed units should follow procedures established by their administrative chain of command.

5. Liberty Risk Policy. An individual will be classified as a liberty risk when such action is deemed essential for the protection of the foreign relations of the U.S. or as a result of international legal hold restriction. Assignment to liberty risk may be based on prior behavior that tends to embarrass or discredit the U.S. Armed Forces. Such behavior includes, but is not limited to: excessive or chronic intoxication; fights; theft; malicious mischief; refusal to pay lawful debts; personal appearance that is lewd, inflammatory or contentious or other conduct that brings discredit upon the U.S. Armed Forces in the host nation.

6. Limitations. Liberty risk designation is a device to be utilized to maintain favorable host nation relations critical to the continued United States presence in the AOR. Liberty risk shall not be used as punishment or as a substitute for restriction or pretrial restraint. Liberty risk authority should be used judiciously to produce the least possible constraint upon liberty. All liberty risk determinations should be made on a case-by-case basis. The liberty risk classification should depend entirely on the level of the risk the person represents. Unique circumstances may require hybrid classifications. Additionally, at no time will personnel in the liberty risk program be made to surrender their DD Form 2, their Uniformed Services Identification Card.

7. Liberty Risk Classifications. There are four classes of liberty risk:

a. Class A: Personnel in Class "A" liberty risk are prohibited from purchasing or consuming alcoholic beverages. Enclosure (1) pertains.

b. Class B: Personnel in Class "B" liberty risk are not assigned a room at the transient quarters and may live in their normal quarters. Personnel in this category are allowed unaccompanied liberty that terminates no later than 2100 hours. Purchasing or consuming alcoholic beverages may be suspended based on the severity and nature of the incident. Enclosure (2) pertains.

c. Class C: Personnel in Class "C" liberty risk are assigned a room at the bachelor officer/enlisted quarters and are allowed liberty when accompanied by another Sailor of pay grade E-4 or above (but in no case junior to the person designated as a liberty risk). Such liberty terminates no later than 2100. The accompanying Sailor is responsible for the conduct of the person in a liberty risk status. Purchasing or consuming alcoholic beverages may be suspended based on the severity and nature of the incident. Enclosure (3) pertains.

d. Class D: Personnel in Class "D" liberty risk are assigned a room at the bachelor officer/enlisted quarters and are completely deprived of off-base liberty. Purchasing or consuming alcoholic beverages is not authorized. Enclosure (4) pertains.

Note: These examples are meant only to facilitate the classification process and are not meant to limit the discretion of the Commanding Officer. Determinations will be made on a case-by-case basis.

8. "By Direction" Authority. The authority to designate a service member as a liberty risk is within the sole purview of the Commanding Officer. However, the following individuals are authorized to sign liberty risk orders "By direction":

a. Executive Officer

b. Staff Judge Advocate

c. Command Duty Officer

9. Administration of Liberty Risk Personnel. In keeping with the stated purpose of the liberty risk program, as far as practicable, the following guidelines shall be followed in administering the liberty risk program:

a. Members on liberty risk shall not be required to muster with personnel on restriction.

b. Members on liberty risk shall be allowed to sign visitors on base.

c. Members on liberty risk shall be assigned normal work duties.

d. There shall be no other restrictions placed on members in a liberty risk status not reasonably connected with the purpose of preventing liberty incidents.

10. Liberty Risk Assessment Review. The status of liberty risk personnel shall be reviewed as follows:

a. In all cases where a member is placed on liberty risk, the Staff Judge Advocate's office shall review the case within 72 hours.

b. The liberty risk program set forth herein contemplates a withholding of liberty that is temporary in nature. In keeping with this policy, the attitude and demeanor of liberty risk personnel shall be monitored and the status of every liberty risk assignee shall be

reviewed monthly. A person may regress to a more restrictive classification, advance to a more lenient classification or graduate from the liberty risk program entirely at any time if a special review is conducted.

c. The overall program shall be monitored by the Staff Judge Advocate's office. Any member placed on liberty risk status may appeal their status, in writing, directly to the Commanding Officer at any time.

11. Distinction between Administrative Limitation of Liberty and Restriction of Liberty as a Punishment Pursuant to the Uniform Code of Military Justice. Placing a member in a liberty risk status is an administrative action. Administrative limitation of liberty may not be imposed to satisfy the need to take disciplinary action and may not be awarded as Non-Judicial Punishment (NJP). However, nothing prohibits the commencement of liberty risk prior to NJP or the continuation of liberty risk subsequent to NJP.

C. S. GRAY

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NAVSUPPACT NAPLES INST 5216.4Z
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NAVSUPPACT NAPLES INST 5800.4B
27 APR 2012

1616
Ser N01J/
Date

From: Commanding Officer, U. S. Naval Support Activity, Naples, Italy
To: SN Liberty A. Risk, USN, XXX-XX-6789

Subj: CLASS A LIBERTY RISK ASSESSMENT

Ref: (a) JAGMAN
(b) NAVSUPPACT NAPLES INST 5800.4B

1. Per references (a) and (b), you are hereby designated a Class A Liberty Risk. As such, you may live in your normal quarters, and there is no curfew on your liberty. However, you are prohibited from purchasing or consuming alcoholic beverages.

2. This designation will remain in effect until you are informed otherwise. In approximately two weeks, this liberty risk determination will be reviewed. Failure to comply with the above order may subject you to further disciplinary or administrative action. Periodic telephonic checks or visits to your quarters may be made to ensure compliance with this order.

SIGNATURE BLOCK
By direction

I acknowledge receipt of the above order and will comply with its terms.

_____
SIGNATURE/DATE

Copy to:
Executive Officer
Staff Judge Advocate
Department Head
Security Officer

Enclosure (1)

NAVSUPPACT NAPLES INST 5800.4B

27 APR 2012

1616
Ser N01J/
Date

From: Commanding Officer, U. S. Naval Support Activity, Naples, Italy
To: SN Liberty A. Risk, USN, XXX-XX-6789

Subj: CLASS B LIBERTY RISK ASSESSMENT

Ref: (a) JAGMAN
(b) NAVSUPPACT NAPLES INST 5800.4B

1. Per references (a) and (b), you are hereby designated a Class B Liberty Risk. As such, you may live in your normal quarters, but your liberty will expire each night at 2100 hours. Furthermore, you are prohibited from purchasing or consuming alcoholic beverages.

2. This designation will remain in effect until you are informed otherwise. In approximately two weeks, this liberty risk determination will be reviewed. Failure to comply with the above order may subject you to further disciplinary or administrative action. Periodic telephonic checks or visits to your quarters may be made to ensure compliance with this order.

SIGNATURE BLOCK
By direction

I acknowledge receipt of the above order and will comply with its terms.

_____
SIGNATURE/DATE

Copy to:
Executive Officer
Staff Judge Advocate
Department Head
Security Officer

Enclosure (2)

1616
Ser N01J/
Date

From: Commanding Officer, U.S. Naval Support Activity, Naples, Italy
To: SN Liberty A. Risk, USN, XXX-XX-6789

Subj: CLASS C LIBERTY RISK ASSESSMENT

Ref: (a) JAGMAN
(b) NAVSUPPACT NAPLES INST 5800.4B

1. Per references (a) and (b), you are hereby designated a Class C Liberty Risk. As such, you are assigned a room at the Bachelor Officer/Enlisted Quarters and are authorized liberty only when accompanied by a command-approved individual E-4 or above. Your liberty will expire each night at 2100 hours. The accompanying Sailor is responsible for your conduct. Furthermore, you are prohibited from purchasing or consuming alcoholic beverages.

2. This designation will remain in effect until you are informed otherwise. In approximately two weeks, this liberty risk determination will be reviewed. Failure to comply with the above order may subject you to further disciplinary or administrative action. Periodic visits to your bachelor quarters may be made to ensure compliance with this order.

SIGNATURE BLOCK
By direction

I acknowledge receipt of the above order and will comply with its terms.

_____
SIGNATURE/DATE

Copy to:
Executive Officer
Staff Judge Advocate
Department Head
Security Officer,
Bachelor Officer/Enlisted Quarters

Enclosure (3)

27 APR 2012

1616
Ser N01J/
Date

From: Commanding Officer, U. S. Naval Support Activity, Naples, Italy
To: SN Liberty A. Risk, USN, XXX-XX-6789

Subj: CLASS D LIBERTY RISK ASSESSMENT

Ref: (a) JAGMAN
(b) NAVSUPPACT NAPLES INST 5800.4B

1. Per references (a) and (b), you are hereby designated a Class C Liberty Risk. As such, you are not allowed off-base liberty and are assigned a room at the Bachelor Officer/Enlisted Quarters. Furthermore, you are prohibited from purchasing or consuming alcoholic beverages.

2. You are not permitted to leave the NAVSUPPACT Naples (Capodichino) area except to transit from/to work, from/to bachelor quarters or in the course of your duty. You will proceed directly and expeditiously to and from the aforementioned.

3. You are required to report for work as usual. This designation will remain in effect until you are informed otherwise. In approximately two weeks, this liberty risk determination will be reviewed. Failure to comply with the above order may subject you to further disciplinary or administrative action. Periodic visits to your bachelor quarters may be made to ensure compliance with this order.

SIGNATURE BLOCK
By direction

I acknowledge receipt of the above order and will comply with its terms.

_____
SIGNATURE/DATE

Copy to:
Executive Officer
Staff Judge Advocate
Department Head
Security Officer,
Bachelor Officer/Enlisted Quarters

Enclosure (4)