



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
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From: Commander, Navy Personnel Command
To: Distribution

Subj: DELETION OF CONFINEMENT ON BREAD AND WATER OR DIMINISHED RATIONS AS A PUNISHMENT IMPOSABLE BY A COURT-MARTIAL

Ref: (a) NAVSO P-6064, Manual for Courts-Martial (MCM), United States (2000 edition)
(b) MCM (2000 Edition), Appendix 9, Guide For Summary Courts-Martial, Maximum Punishment Scripts (E-4 and below), page A9-4
(c) SECNAVINST 1640.9B, Article 7103.2a(6)
(d) OPNAVINST 1640.7A, Article 903.4d
(e) Manual of the Judge Advocate General (JAGMAN)

1. Purpose. Amplify policy contained within reference (a), and prescribe procedures to carry out where confinement on bread and water or diminished rations is imposed as a punishment by a court-martial.

2. Background

a. During this fiscal year, the Navy Corrections community has reported a number of Summary Court-Martial sentences where punishment of both confinement AND bread and water or diminished rations was imposed.

b. By a 1995 amendment to reference (a) (Appendix 1, Rule 1003, 1995 Amendment), punishment of confinement on bread and water or diminished rations is not authorized as a punishment imposable by a court-martial.

c. References (b), (c) and (d) are in conflict with reference (a) and require revision.

d. Consistent with the provisions and limitations per reference (a) (Part V-5) and (d) (0111.c), confinement on bread and water or diminished rations imposed by Nonjudicial Punishment (Article 15, UCMJ) is authorized.

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3. Implementation

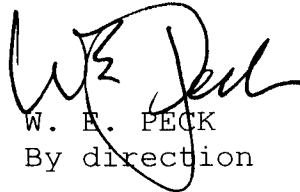
a. Sentences of punishment of confinement on bread and water or diminished rations imposed by a court-martial shall not be accepted into confinement. Where sentences of both confinement AND bread and water or diminished rations are imposed by a court-martial, only the confinement portion of the sentence shall be carried out. Such cases shall be brought to the attention of the legal community (Staff Judge Advocate/Naval Legal Services Office).

b. When entering court-martial sentences of confinement which include bread and water or diminished rations into the Corrections Management Information System (CORMIS), for good conduct time purposes, only the actual sentence to confinement shall be factored. For example, an unauthorized sentence such as 24 days confinement and 3 days bread and water will be entered only as a 24-day sentence. Reference to bread and water or diminished rations shall be identified within the "Rmrks" box of the court action section, but will have no effect on the sentence.

c. PERS-84 shall coordinate revision of references (b), (c) and (d).

4. Applicability. This policy and procedures are applicable to all Navy brigs, pretrial confinement facilities, and detention facilities, where applicable, and shall be implemented upon signature date. Ensure all personnel are aware of the contents.

5. Point of contact at PERS-84 is Mr. Tim Purcell, PERS-84B, at DSN 882-4452 or (901) 874-4452.


W. E. PECK
By direction

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