



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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JAGINST 5800.9F CH-1
3 Feb 25

JAG INSTRUCTION 5800.9F CHANGE TRANSMITTAL 1

From: Judge Advocate General of the Navy

Subj: QUARTERLY CRIMINAL ACTIVITY, DISCIPLINARY INFRACTIONS AND
COURTS-MARTIAL REPORT (QCAR)

Ref: (a) E.O., "Initial Rescissions of Harmful Executive Orders and Actions," of 20 Jan 25
(b) E.O., "Defending Women from Gender Ideology Extremism and Restoring Biological
Truth to the Federal Government," of 20 Jan 25

Encl: (1) Revised Page 2
(2) Revised Enclosure (2), Page 1
(3) Revised Enclosure (2), Page 2

1. Purpose. Change issued in accordance with references (a) and (b).
2. Action. Remove page 2 and pages 1 and 2 of Enclosure (2) and replace with enclosures (1) through (3), respectively.
3. Records Management. Records created as a result of this change transmittal, regardless of media or format, must be managed per the Secretary of the Navy Manual 5210.1 of September 2019.


LIA M. REYNOLDS
Acting

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IN REPLY REFER TO:
JAGINST 5800.9F
Code 20
27 Jan 24

JAG INSTRUCTION 5800.9F

From: Judge Advocate General
To: All Ships and Stations

Subj: QUARTERLY CRIMINAL ACTIVITY, DISCIPLINARY INFRACTIONS AND
COURTS-MARTIAL REPORT (QCAR)

Ref: (a) Article 146a, Uniform Code of Military Justice
(b) Pub. L. No. 116-92
(c) Manual for Courts-Martial, United States, 2023
(d) JAGINST 5800.7G CH-2
(e) SECNAVINST 5300.28F
(f) SECNAVINST 1752.4C
(g) DON Safe-to-Report Policy

Encl: (1) Quarterly Criminal Activity, Disciplinary Infractions and Courts-Martial Report
Submission Spreadsheet
(2) Quarterly Criminal Activity, Disciplinary Infractions and Courts-Martial Report
Instructions

1. Purpose. To issue revised military justice reporting procedures for Navy and Marine Corps officers exercising court-martial jurisdiction or exercising nonjudicial punishment authority. This instruction is a complete revision, and should be reviewed in its entirety.

2. Cancellation. JAGINST 5800.9E.

3. Scope and Applicability. This instruction applies to all Navy and Marine Corps officers performing military justice functions, i.e., officers who are authorized to convene general, special, or summary courts-martial or impose nonjudicial punishment.

4. Policy.

a. Reference (a) requires the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps to provide an annual report to the Congress, the Secretary of Defense, and the Secretary of the Navy on military justice actions conducted in the previous year. Section 540I of reference (b) requires the Secretary of the Navy to record the

race, ethnicity, and sex of the victim and the accused for each court-martial conducted. Additionally, the collection and maintenance of accurate and timely statistical information allows the Department of the Navy to analyze trends in criminal activity and military justice processes and measure the efficiency of personnel and the effectiveness of discipline-related initiatives.

b. General court-martial and special court-martial data is collected by the Navy Region Legal Service Offices, Navy Office of Special Trial Counsel, Marine Corps Legal Services Support Sections, and Marine Corps Office of Special Trial Counsel via an online case management system. Summary court-martial and nonjudicial punishment proceeding data, however, is not collected in the online case management system, as these proceedings may be conducted without the involvement of the cognizant Region Legal Service Office, Office of Special Trial Counsel or Legal Services Support Section. As a result, all Navy and Marine Corps officers performing military justice functions must report, on a quarterly basis, the results of any summary courts-martial or nonjudicial punishment completed by their commands.

5. Definitions

a. Court-Martial Convening Authority (CMCA). An officer empowered to convene general, special, or summary courts-martial pursuant to Rule for Court-Martial 504 of reference (c) and section 0120 of reference (d).

b. General Court-Martial Convening Authority (GCMCA). An officer empowered to convene general courts-martial pursuant to Rule for Court-Martial 504 of reference (c) and section 0120 of reference (d).

c. Nonjudicial Punishment Authority. An officer authorized to impose nonjudicial punishment pursuant to paragraph 2 of Part V of reference (c) and section 0106 of reference (d).

6. Action

a. Organizational Accountability

(1) Each CMCA and Nonjudicial Punishment Authority must report the results of every summary court-martial and nonjudicial punishment conducted in the previous quarter to the first GCMCA in the administrative chain of command. Reports must be submitted using Enclosure (1).

(2) All GCMCAs must submit a report every quarter using the format in Enclosure (1). Each GCMCA will consolidate reports submitted from every subordinate CMCA and Nonjudicial Punishment Authority into one spreadsheet and will add to the same spreadsheet all summary court-martial or nonjudicial punishment proceedings conducted by the GCMCA. Negative responses are required. Navy GCMCAs must submit their consolidated spreadsheet to the Office of the Judge Advocate General, Criminal Law Division (Code 20) at QCAR_and_GRANT@flankspeed.onmicrosoft.us. Marine Corps GCMCAs must submit their consolidated spreadsheet to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps (JMJ) at JAD_QCAR@usmc.mil. All GCMCAs must fill each column of Enclosure (1)

and leave no blanks, using only the available options on the drop-down list (i.e., refrain from inputting information not provided as an entry option).

b. Timing. Report summary courts-martial and nonjudicial punishment proceedings for the quarter in which the proceeding was completed. Reports must be submitted within 30 days of the end of the quarter as outlined below:

(a) FY Quarter 1 (Oct-Dec)

(b) FY Quarter 2 (Jan-Mar)

(c) FY Quarter 3 (Apr-Jun)

(d) FY Quarter 4 (Jul-Sep)

c. Format. All reports must be submitted using the format in Enclosure (1). A downloadable version of Enclosure (1) is available at <https://www.jag.navy.mil/library/instructions.htm>. Instructions for completing Enclosure (1) are available in Enclosure (2).

7. Reports. Report symbols JAG 5800-4A and JAG 5800-4B are assigned to the reports required by paragraph 6.

8. Records Management.

a. Records created as a result of this instruction, regardless of format or media, must be maintained, and disposed of, per the records disposition schedules located on the Department of the Navy Assistant for Administration, Directives and Records Management Division portal page at <https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction, or the records disposition schedules, please contact the local records manager or the OPNAV Records Management Program (DNS-16).

9. Review and Effective Date. Per OPNAVINST 5215.17A, OJAG will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy and Navy policy, and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years, unless revised or canceled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.


D. E. CRANDALL

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via the OJAG website, <https://jag.navy.mil>.

Quarterly Criminal Activity, Disciplinary Infractions and Court-Martial Report

Enclosure (1) of this document is a fillable Excel spreadsheet available from the Office of the Judge Advocate General, Criminal Law Division (Code 20)
(202) 685-7056

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Instructions for Completing the Quarterly Criminal Activity, Disciplinary Infractions and Court-Martial Report

Negative Reporting. A separate tab in the data entry worksheet will document any negative reporting from CMCA's that did not conduct a summary court-martial or nonjudicial punishment proceeding for the quarter. Negative responses must be recorded using this tab for each CMCA that has nothing to report for the quarter. When recording a negative response from the relevant command, use the most recognizable heading and spellings with minimal shorthand for the command name.

Column A: GCMCA. Enter the name of the GCMCA submitting the report (e.g., Navy Region Mid-Atlantic, Marine Corps Installations – West, etc.). Do not include CO name/rank or subordinate commands.

Column B: Command Imposing NJP/Convening SCM. Enter the name of the command that imposed NJP or convened the summary court-martial (e.g., Naval Station Norfolk; H&S Bn, MCB Camp Pendleton, etc.). Use the most recognizable heading and spellings with minimal shorthand to maximize accuracy of reporting.

Column C: Accused Name. Enter the full name of the accused as listed on the accused's service record. Format: Last Name, First Name MI; do not include rank or rate here. Proper formatting is needed to effectively sort data and account for members with multiple entries. If multiple NJPs, include append two spaces followed by an ordinal designator, spelled out in capital letters (e.g., " SECOND" or " THIRD," etc.). Do not use Roman numerals as ordinal designators, which may be confused as part of the name.

Column D: Accused EDIPI. Enter the accused's Electronic Data Interchange Personal Identifier (EDIPI). This information is CUI-PII; practice proper protocols when sharing data.

Column E: Accused Rank. Use the drop-down list to select the accused's rank. Note that this should be the accused's rank before the summary court-martial or nonjudicial punishment (i.e. before imposition of any punishment).

Column F: Accused Years of Service. Use the drop-down list to select the whole number of years of service completed by the accused. Do not round up (e.g., if the accused completed 5 years and 7 months of service, select 5).

Column G: Accused Branch of Service. Use the drop-down list to select Navy or Marine Corps.

Column H: Accused Sex. Use the drop-down list to select the accused's sex as indicated in service specific personnel systems such as the Navy Standard Integrated Personnel Systems (NSIPS) or the Marine Corps Total Force System (MCTFS).

Column I: Accused Race. Use the drop-down list to select the accused's race as indicated in service specific personnel systems such as NSIPS or MCTFS. Select "Other" if the accused

Enclosure (2)

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associates with multiple races or with a race not listed. Provide the multiple races or unlisted race in the "Notes" column (i.e., column AJ).

Column J: Accused Ethnicity. Use the drop-down list to select the accused's ethnicity as indicated in service specific personnel systems such as NSIPS or MCTFS.

Column K: Victim Sex. Use the drop-down list to select the victim's sex as indicated in service specific personnel systems such as NSIPS or MCTFS. If no victim, select "N/A." If the victim is a civilian, request this information from the civilian victim or legal representative. A victim is under no obligation to provide this information. If the victim declines, select "Unknown" in the drop-down list. If there are multiple victims, use a separate row for each victim.

Column L: Victim Race. Use the drop-down list to select the victim's race as indicated in service specific personnel systems such as NSIPS or MCTFS. If no victim, select "N/A." If the victim is a civilian, request this information from the civilian victim or legal representative. A victim is under no obligation to provide this information. If the victim declines, select "Unknown" in the drop-down list. Select "Other" for any victim that associates with multiple races or with a race not listed. Provide the multiple races or unlisted race in the "Notes" column (i.e., column AJ). If there are multiple victims, use a separate row for each victim.

Column M: Victim Ethnicity. Use the drop-down list to select the victim's ethnicity as indicated in service specific personnel systems such as NSIPS or MCTFS. If no victim, select "N/A." If the victim is a civilian, request this information from the civilian victim or legal representative. A victim is under no obligation to provide this information. If the victim declines, select "Unknown" in the drop-down list. If there are multiple victims, use a separate row for each victim.

Column N: Forum. Use the drop-down list to select summary court-martial or nonjudicial punishment.

Column O: Location. Use the drop-down list to select the location (CONUS or OCONUS) where the summary court-martial or nonjudicial punishment was conducted.

Column P: Accused Attached To or Embarked In a Vessel. Use the drop-down list to select "Yes" if the accused is attached to or embarked in a vessel. For this instruction, "attached to or embarked in" a vessel applies to both operational and non-operational vessels.

Column Q: Vessel Exception to NJP Applied. Use the drop-down list to select "Yes" if the vessel exception to NJP was applied in the particular case by the NJP authority. This information is key to reporting data on use of the vessel exception in the Navy and Marine Corps – do not leave blank.

Column R: Date of NJP/SCM. Enter the date that punishment was awarded. Use the abbreviated format (e.g., 1 Nov 19, 15 Dec 20, etc.).

Enclosure (2)

Column S: Offense. Use the drop-down list to select the punitive article the accused allegedly violated. If multiple offenses are charged, or there are multiple events in the same quarter for the same accused, create separate entries for each with no blanks. The available offenses in the drop-down list will annually update to incorporate changes proscribed by Congress in the National Defense Authorization Act (NDAA) for that fiscal year, if any.

Column T: Number of Specifications. Use the drop-down list to select the number of specifications for each punitive article allegedly violated.

Column U: Substance Abuse Offense. Use the drop-down list to select “Yes” if the alleged offense includes wrongful use, possession, or distribution of a controlled substance, prescription medication, over-the-counter medication, or intoxicating substance or another type of substance abuse offense as defined by reference (e). If “Yes” is selected, document in the notes section whether the offense includes wrongful use, possession, or distribution of a controlled substance, prescription medication, over-the-counter meds, or intoxicating substance as defined in reference (e).

Column V: Victim Collateral Misconduct. Use the drop-down list to select “Yes” if the accused’s misconduct is collateral misconduct (i.e., the accused was a victim of sexual assault). The DON’s Safe-to-Report Policy (reference (g)) prohibits discipline of a Service Member victim of an alleged sexual assault for minor collateral misconduct. As a threshold determination, Commanding Officers (COs) must assess whether the misconduct was collateral to the report of sexual assault. Collateral misconduct is victim misconduct that might be close in time, place, or circumstance associated with the victim’s sexual assault incident. If the misconduct is collateral, then the CO must determine whether the misconduct is minor or non-minor. COs shall do so in consultation with their servicing Staff Judge Advocate. Examples of collateral misconduct that generally should be treated as minor include, but are not limited to, the following situations: the victim was in an unprofessional relationship with the alleged offender at the time of the assault; the victim was drinking underage at or near the time of the assault; the victim was out past curfew, was at an off-limits location, or was violating barracks/dormitory/berthing policy at the time of the assault. For more information on victim collateral misconduct, see references (f) and (g).

Column W: Result. Use the drop-down list to select “Guilty” if the accused was found to have committed at least one specification of the alleged offense. If no punishment is imposed, enter as “Not Guilty.” If no punishment is awarded at NJP, the effect is the same as if the charges were dismissed at the proceeding.

Column X: Confinement. Use the drop-down list to select the number of days of confinement awarded, if any. For example, if 10 days of confinement is awarded, select the “0-15” option. If no confinement is awarded, or if confinement is unavailable, select “N/A or Not Given.”

Column Y: Hard Labor without Confinement. Use the drop-down list to select the number of days of hard labor without confinement awarded, if any. For example, if 10 days of hard labor without confinement is awarded, select the “0-15” option. If no hard labor without confinement is awarded, or if hard labor without confinement is unavailable, select “N/A or Not Given.”

Column Z: Restriction. Use the drop-down list to select the number of days of restriction awarded, if any. For example, if 10 days of restriction is awarded, select the "0-15" option. If no restriction is awarded, or if restriction is unavailable, select "N/A or Not Given."

Column AA: Arrest in Quarters. Use the drop-down list to select the number of days of arrest in quarters awarded, if any. For example, if 10 days of arrest in quarters is awarded, select the "0-15" option. If no arrest in quarters is awarded, or if arrest in quarters is unavailable, select "N/A or Not Given."

Column AB: Correctional Custody. Use the drop-down list to select the number of days of correctional custody awarded, if any. For example, if 10 days of correctional custody is awarded, select the "0-15" option. If no correctional custody is awarded, or if correctional custody is unavailable, select "N/A or Not Given."

Column AC: Extra Duties. Use the drop-down list to select "Yes" if the accused was awarded extra duties. If awarded, report on the type of duties imposed in the "Notes" column (AJ).

Column AD: Forfeiture of Pay or Fine. Use the drop-down list to select "Yes" if the accused was awarded a forfeiture of pay or a fine.

Column AE: Amount of Forfeiture/Fine. Enter the total amount of forfeitures and fines awarded, rounded to the nearest dollar.

Column AF: Reduction in Rank. Use the drop-down list to select whether the accused was reduced one rank, more than one rank, or if no reduction in rank was awarded.

Column AG: Reprimand or Admonition. Use the drop-down list to select "Yes" if the accused was awarded a reprimand or admonition.

Column AH: Command POC. Enter the name and rank of the command POC.

Column AI: Command POC Email. Enter the email address of the command POC.

Column AJ: Notes. Enter any additional information regarding the summary court-martial or nonjudicial punishment that the command believes is relevant but is not covered by the other information already listed, including if the entered punishment is suspended, or where more than one race may apply to the victim or accused.

