

Case Study: E-5 Use and Sale of Spice

Description: E-5 found with large amount of spice onboard deployed aircraft carrier. CO awards NJP for violation of UMCJ articles 92 and 98.

Background: E-5 (referred to as Petty Officer Clark in this report) was assigned to bow catapults, V-2 division onboard aircraft carrier as the night shift supervisor. He had above average evaluations and was tracking for E-6. E-5 forfeiture half months pay for two months, reduced in rank and administratively discharged. The CO directed an investigation into the causes of behavioral failures with this incident. Names, while false, are added for clarity.

Findings:

1. E-3 assigned to bow catapults approached O-3 bow catapult officer with request to talk in private. Conversation yielded E-3's concern that "we are going to kill somebody." E-3 said that several members of the catapult crew and other Sailors onboard were regularly using spice. E-3 said, "That is the reason Jonesy was in the rack today."
2. When asked what he meant by that, the E-3 responded "Jonesy took too much of that stuff and freaked out last night. He ran up on the flight deck during the last recovery and tried to jump overboard. I and Rodriguez stopped him. We held him in the cat two steam receiver room until he finally came down. We put him in his rack after he puked."
3. Petty officer Jones (E-4) had reported sick that morning with flu.
4. The O-3 said he asked who else knew about it and the E-3 responded, "Everybody knows about it." He then said, "That's the reason why we are having all the fights."
5. The O-3 said that there had been an escalation of crew fighting during the at-sea period but he had not seen any pattern to explain it.
6. The E-3 also said, "It's also the reason gear landed on the wrong weight setting two nights ago." Gear is slang for the arresting gear branch of V-2 division.
7. On the night the E-3 referred to, an EA6B had landed with the

number three arresting gear engine set for an F-18 weight setting. The mistake was discovered just prior to touchdown and a wave-off initiated. The wave-off was initiated too late but the EA6B engaged the number 2 cross deck pendant so no harm was done.

8. The O-3 asked who was selling the stuff and the E-3 replied, "Petty officer Clark. He keeps his stash in the bow cats' water brakes."

9. O-3 thanked the E-3 and called security and the division officer. Division officer informed the air boss, who then informed the chain of command.

10. Security personnel posted near the water brakes room posing as passage-way cleaners. They captured the E-5 exiting the room with eleven vials of spice. They find another 234 vials of spice stashed in various hiding places in the water brakes voids, etc.

11. E-5 cooperated with security once questioned. Eventually, 29 sailors onboard the ship were charged with violations of the UCMJ in connection with spice use.

12. E-5 stated a friend introduced him to spice a couple of years prior. It was not against navy regulations and it was legal. He said he bought it in a head shop.

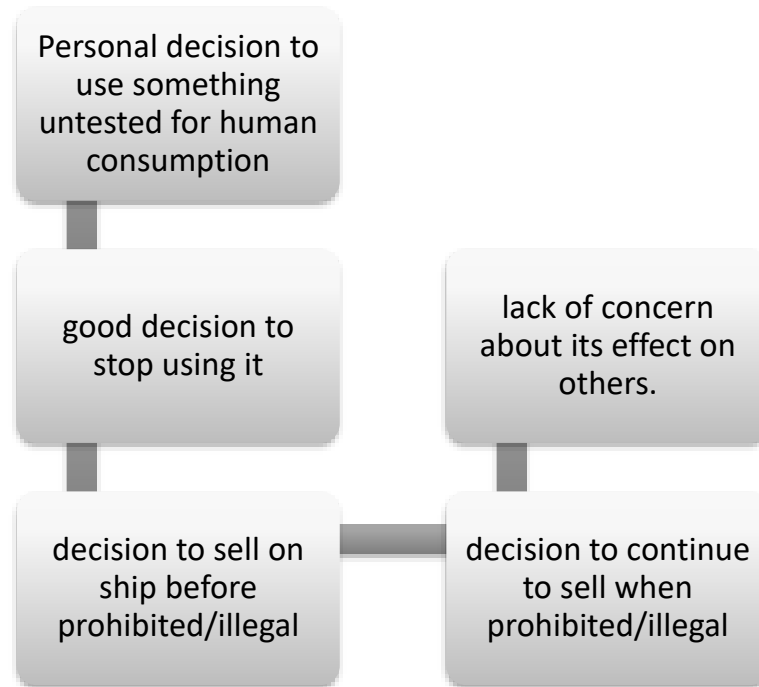
13. E-5 stated that he and his wife tried it a couple of times but he stopped because it made him agitated and nervous and scared him. He said he also began to hear a "lot of weird shit about the stuff." He said his wife still used it occasionally. He said he decided to sell it on the ship because he could make a lot of money. He said, "Everybody wants a way to get through deployment."

14. When investigators showed him his page thirteen signed PRIOR to deployment and stating that use of spice was prohibited under UCMJ article 92 he said, "yeah but that's just a technicality. The Navy is against everything." When they told him the cannabinoids he was selling were illegal since March 2011, he just shrugged his shoulders.

15. Investigators also asked if he ever thought about the effect of the spice on the sailors he sold it to. He said that "lots of people use the stuff" and he bought his stash in gas stations and head shops prior to deployment. He said, "If a guy has a problem with it, he can always quit using it." He further said, "Look, guys are selling cigarettes to each other all the time. And that shit is a known killer."

Thought-to-Action Chain

1. Draw the thought-to-action chain of the E-5. Personal decision to use something untested for human consumption, decision to stop using it, decision to sell on ship before prohibited/illegal, decision to continue to sell when prohibited/illegal, and lack of concern about its effect on others.

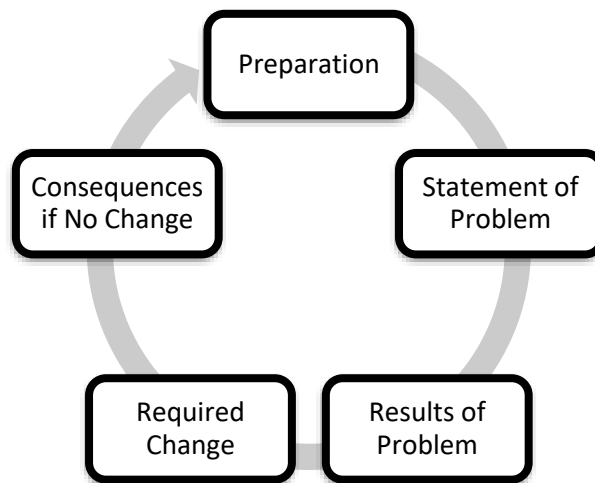


2. Have you ever witnessed a similar event? Discuss.
3. Was the E-5 wrong to use the spice before it was prohibited and illegal?
4. Was it wrong to sell it on the ship then?

Social Constructive Confrontation Discussion:

1. The first opportunity for constructive confrontation is internal. In this case, the E-5 would benefit from a constructive confrontation with himself. He needs to sit down and ask himself exactly what he is doing. The stuff he is selling is prohibited by the navy for good reasons. The fact it is being sold in outside markets is irrelevant. However, it is possible some individuals may not have the capacity to

perform this type of personal confrontation and this individual might be one of these. In such cases, it is up to onlookers to prevent misbehavior if possible. A next opportunity for confrontation might come from a friend or colleague. These “on-lookers” often know about or strongly suspect affairs or extra marital romances. Have you ever been in such a situation? Approaching a friend or co-worker in such a situation would be very difficult and you would have to be sure that real, negative consequences were likely. Using the case study, your own observations, or a hypothetical example, how would you realistically handle such a confrontation? Look at the wheel below for a template.



Preparation:

1. Put yourself in the position of a shipmate. You have decided to confront the E-5. What does this step mean to you? How would you prepare? In what setting would this type of confrontation best take place?

Statement of Problem:

1. What is the problem (or likely result) of the misbehavior? What problem is it for you? What problem is it for the unit, etc.?
2. How would you state this to your colleague/friend?
3. Listen.

Results of Problem:

1. Using the example, what are the likely results or negative outcomes from the problem and how would you state that to the friend?
2. Listen.

Required Change:

1. What change in behavior do you want to see? Would you insist on the E5 turning himself in to security?
2. Listen.

Consequences If No Change:

1. Hopefully, by this point in the confrontation you are having a discussion and not a shouting match. The understanding of consequences would be something that both of you are agreeing on, vice you listing them.

Case Conclusions:

1. What main points did you take from this case study?
2. What are your concerns as a facilitator with this case study?