



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
5720 INTEGRITY DRIVE  
MILLINGTON, TN 38055-0000

BUPERSINST 1640.22  
PERS-00D  
29 Mar 2011

BUPERS INSTRUCTION 1640.22

From: Chief of Naval Personnel

Subj: NAVAL CORRECTIONS MANUAL

Ref: (a) SECNAVINST 1640.9C

Encl: (1) Naval Corrections Manual

1. Purpose. To implement the provisions of reference (a) and issue supplemental policy governing the operation and administration of naval shore briggs.

2. Background

a. Per reference (a), article 1201.5a, Navy Personnel Command (NAVPERSCOM), Corrections and Programs (PERS-00D) and Commandant of the Marine Corps (CMC) (PSL Corrections) are designated to administer naval shore briggs per 10 U.S.C., Department of Defense Directives and Instructions, Navy Regulations, and reference (a).

b. NAVPERSCOM (PERS-00D) exercises primary and final responsibility for developing and issuing corrections policy and procedures within the naval service in all matters not endemic to the Marine Corps. Matters endemic to the Marine Corps corrections program shall be published by CMC (PSL Corrections) via separate Marine Corps Order. Changes to this instruction shall be administered by NAVPERSCOM (PERS-00D) after coordination with CMC (PSL Corrections).

3. Scope. This instruction is applicable to all Navy and Marine Corps shore briggs. As used within this instruction, the term "brig" refers to Navy and Marine Corps shore confinement facilities, both pre-trial and post-trial, designated by the Secretary of the Navy as an authorized naval place of confinement. Unless otherwise noted, the term "prisoner" refers to both pre-trial and post-trial prisoners and Service members awarded confinement to bread and water or diminished rations under the Uniform Code of Military Justice (UCMJ), article 15.

4. Policy

a. NAVPERSCOM (PERS-00D) and CMC (PSL Corrections) shall administer their corrections program consistent with the provisions of reference (a), enclosure (1), and applicable correctional policy. To the greatest extent possible, national accreditation standards issued by the American Correctional Association (ACA) shall be followed in determining corrections policies and administering shore brig.

b. Exceptions to the provisions of this instruction shall be forwarded, via the chain of command, to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections), as appropriate. Such waiver requests shall provide justification and, where applicable, indicate any measures considered necessary to compensate for the waived requirement(s). Permanent waivers shall not be granted for fire, life, or safety issues; however, a temporary waiver may be granted for a maximum of 18 months under the same procedures as above. If waivers are requested for fire, life, or safety issues, such requests shall be coordinated with the installation fire and safety departments. If approved after further coordination with cognizant headquarters-level fire or safety agencies, NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) shall provide or approve any operational guidance required to reduce possibilities of injury or loss of life.

5. Action. Navy and Marine Corps brig commanding officers (COs), officers in charge (OICs), chief petty officers in charge (CPOICs), and staff noncommissioned officers in charge (SNCOICs) shall ensure that management and execution of their corrections program is in compliance with reference (a), enclosure (1), and applicable correctional policy. Local amplifying policy may be issued but shall not contradict this instruction.



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29 Mar 2011

**NAVAL**

**CORRECTIONS**

**MANUAL**



**NAVAL CORRECTIONS MANUAL**

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## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-010

#### INSPECTIONS AND REPORTS

<b>Responsible Office</b>	NAVPERSCOM	Phone: DSN	882-4444
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<b>REFERENCES</b>	(a) SECNAVINST 1640.9C (b) DoD Instruction 1325.7 of 17 Jul 2001 (c) UFC 2-000-05N, Facility Planning for Navy and Marine Corps Shore Installations (NOTAL)
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#### **SECTION 1. INSPECTIONS**

##### 101. POLICY

1. Per reference (a), Navy Personnel Command (NAVPERSCOM (Corrections and Programs (PERS-00D)) and Commandant of the Marine Corps (CMC (PSL Corrections)) are responsible for preparing standardized inspection formats and conducting periodic on-site inspections of shore brigs. Responsibilities shall include, but not be limited to:

a. Evaluate performance and functional adequacy and provide guidance on all corrections matters; and

b. Ensure standards of references (a) and (b), this manual, and other referenced sources of correctional policy are implemented and actions are taken to correct deficiencies.

2. Inspections are conducted:

a. Periodically (not to exceed 18 months) for pre-trial confinement facilities, level I brigs, and outside Continental United States post-trial brigs; and

b. Triennially for level II and level III (female mission) brigs.

102. FUNCTIONAL ADEQUACY INSPECTION AND CLASSIFICATION

1. Functional adequacy classifications of brigs shall be assigned as a result of on-site inspections conducted by qualified correctional auditors. NAVPERSCOM (PERS-00D) and CMC (PSL Corrections) shall publish separate policy governing criteria for qualified correctional auditors. Formal results of the inspection shall be provided to the brig commanding officer (CO) to include recommendations for any noted corrective action.

2. The following physical plant conditions shall be considered in determining functional adequacy classifications:

a. Conditions affecting safety and health of staff and prisoners, space utilization including living quarters capacity, structure, and utility systems;

b. Condition and effectiveness of security features and equipment;

c. Configuration as it affects separation of categories of prisoners and efficient use of staff required to supervise the operation; and

d. Adequacy of program and administrative support spaces.

3. The functional adequacy classification assigned to each brig is approximately equivalent to the general construction standards of Naval Facilities Engineering Command Base Representative ratings, but takes into account other prisoner-specific security requirements. The categories of classification includes the following:

a. C1/ALPHA - Brig has fully met all demands placed upon it in a mission category through the reporting period. Operation of the brig is not hindered by any inadequacies which may exist;

b. C2/BRAVO - Brig has substantially met all demands of the mission category through the reporting period with only minor deficiencies. Inadequacies exist but do not seriously hinder operations. These inadequacies shall be corrected when practical;

c. C3/CHARLIE - Brig has only marginally met the mission category throughout the reporting period, but with major

deficiencies. Serious inadequacies exist which hinder the operation and must be corrected. This is a naval place of confinement authorized for use as a matter of expediency because no other facility is available; and

d. C4/DELTA - Brig has not met vital demands of the mission category. Serious inadequacies exist which preclude successful support of the confinement mission. This is a naval place of confinement authorized for use only as a necessity because no other facility is available and must be replaced or undergo major renovations as soon as possible. Applicable COs must pay particular attention to the continued existence of facilities classified in this category.

### 103. RATED CAPACITY INSPECTIONS/ASSIGNMENT

1. NAVPERSCOM (PERS-00D) and CMC (PSL Corrections) shall rate capacities for brig, by gender where applicable, during on-site inspections conducted by qualified correctional auditors using manning considerations and references to include: American Correctional Association (ACA) standards; reference (a); NFPA 101 (Life Safety Code); Series 730 15 of reference (c) for new construction; and MIL-HDBK-1037/4 (Brigs and Detention Facilities) for renovation. NAVPERSCOM (PERS-00D) and CMC (PSL Corrections) shall temporarily adjust a brig's rated capacity, as needed, to account for changes occurring within an inspection cycle.

2. Brig COs shall notify NAVPERSCOM (PERS-00D) and CMC (PSL Corrections) whenever the brig's rated capacity is expected to be exceeded by more than 10 percent. Notification shall be made by the most expeditious means and shall request permission to transfer a sufficient number of post-trial prisoners to reduce loading to within rated capacity.

104. INSPECTOR GENERAL (IG) INSPECTIONS. Shore brig, are also subject to echelon-based IG inspections for the purpose of providing oversight focused on manpower and personnel, organizational or program fraud, waste, abuse, integrity, or efficiency issues.

105. AMERICAN CORRECTIONAL ASSOCIATION (ACA) ACCREDITATION AUDITS. To the greatest extent possible, national accreditation

standards issued by the ACA shall be followed in determining corrections policies and administering shore brigs. ACA accredited brigs receive triennial accreditation audits.

## **SECTION 2. REPORTS**

### 201. ANNUAL REPORTS

1. Annual Confinement Report (DD 2720). Per reference (b), paragraph 7.3.1, NAVPERSCOM (PERS-00D) and CMC (PSL Corrections) shall submit an Annual Confinement Report to the Office of the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) (Attention: Legal Policy) no later than 16 February for the preceding calendar year.

2. Annual Victim and Witness Assistance Report (DD 2706). Per DoD Instruction 1030.2, paragraph 6.6.1, NAVPERSCOM (PERS-00D) and CMC (PSL Corrections) shall complete the Annual Victim and Witness Report by 15 February for the preceding calendar year. Reports shall be forwarded through respective legal reporting chains.

3. Annual Survey of Sexual Violence (SSV-4/SSV-IA). U.S. Department of Justice, Bureau of Justice Statistics, Survey of Sexual Violence, shall be submitted by NAVPERSCOM (PERS-00D) and CMC (PSL Corrections) annually as required by USD (P&R) (Attention: Legal Policy).

### 202. OTHER REPORTS

#### 1. Incident Reports

a. Incident reports are intended to keep NAVPERSCOM (PERS-00D), CMC (PSL Corrections), and senior reporting chains informed of significant events in naval brigs which could focus public attention on the brig in question or result in embarrassment to the naval service.

b. The brig CO or designee shall provide NAVPERSCOM (PERS-00D) or CMC (PSL Corrections), as appropriate, the following:

(1) A voice report within 15 minutes of any event or incident, or within 15 minutes of becoming aware of any event or incident; and

(2) Reports shall be submitted as Unit/Command Situation Reports or OPREP-3, whichever is appropriate, within the specified timelines per OPNAVINST F3100.6J (NOTAL) or MCO 3504.2.

(3) If required, submit a follow-on report with additional information by naval message as it becomes available.

c. When an incident occurs in a naval brig and an informal or formal investigation is ordered, command disposition shall be reported to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) when the investigation is complete and the matter resolved. Initial voice and OPREP-3 (naval message) report is not to be delayed pending investigation.

d. Reportable incidents/alleged incidents include, but are not limited to, the following:

- (1) Death of a prisoner;
- (2) Suicide, or attempt, by prisoner or staff member (NOTE: For Navy reporting, suicides or attempts shall also be reported to Navy Casualty per MILPERSMAN 1770-120);
- (3) Mass strike or disruptive action;
- (4) Incidents with racial overtones;
- (5) Incidents of maltreatment or abuse involving prisoners, including prisoner-on-prisoner sexual assault/violence and staff sexual misconduct/harassment;
- (6) Escape/attempted escape; and
- (7) Use of deadly force.

2. Daily Report of Prisoners Received and Released. This Corrections Management Information System (CORMIS) report, or its equivalent, is completed on a daily basis and submitted to the brig CO/brig officer, as locally directed.

3. Prisoner Status (Weekly) Report. As locally administered, the brig CO/brig officer may require the submission of a prisoner status report at least weekly. Grouping of names shall be in confinement status order. The primary purpose of this report is to aid in monitoring and reducing delays in the legal process and

keep commands informed of releases. Copies of this report may be provided to the CO of the prisoner's parent command, the legal office, and all officers having an interest in or responsibility for the processing of courts-martial and operation of the brig.

## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-020

#### PHYSICAL PLANT AND MAJOR EQUIPMENT

<b>Responsible Office</b>	NAVPERSCOM (PERS-00D)	Phone:	DSN	882-4444
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<b>REFERENCES</b>	(a) UFC 2-000-05N 730 15 (Brig) (b) SECNAVINST 1640.9C (c) MIL-HDBK-1037/4 (Brigs and Detention Facilities) of 15 Jul 89 (NOTAL)
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#### **SECTION 1. CLASSIFICATIONS - PHYSICAL PLANTS**

##### 101. BRIG CLASSIFICATIONS

1. Pre-trial Confinement Facility (PCF). PCFs are authorized for pre-trial confinement. These brigs, when authorized by Navy Personnel Command (NAVPERSCOM) (PERS-00D) or Commandant of the Marine Corps (CMC (PSL Corrections)), may be used as a matter of necessity for post-trial confinement for up to 30 days.

2. Level I Brig. Level I brigs are authorized for pre-trial and post-trial confinement of members serving adjusted sentences (court-ordered sentence minus projected credits for administrative/judicial credit, good conduct time, etc.) not to exceed 6 months, and with NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) approval up to 1 year.

3. Level II Brig. Level II brigs are authorized for pre-trial and post-trial confinement of members serving adjusted sentences not to exceed 5 years. Deviations must be authorized by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections).

4. Level III Brig. Level III brigs are authorized for pre-trial and post-trial confinement of members serving adjusted sentences of greater than 5 years.

## 102. PLANNING FACTORS

1. Responsibility for Planning. Determination as to whether a command needs, or does not need, a brig rests with that command and the regional commander and must be initiated at local command level through normal military construction chain of command. NAVPERSCOM (PERS-00D) and CMC (PSL Corrections) shall be involved at all stages to establish, construct, or alter existing shore brigs and shall provide final approval in conjunction with Naval Facilities Engineering Command (NAVFAC).

2. General Planning Information. References (a) and (b) provide general planning information for shore brigs. The procedures contained in NAVFACINST 11010.45, Regional Planning Instruction, shall be followed.

3. Specific Planning Information. For new construction, reference (a), the American Correctional Association (ACA) Planning and Design Guide, and applicable ACA standards (Core Jail for pre-trial and level I facilities and Adult Correctional Institutions for level II/III) shall be utilized when developing plans. For renovation, reference (c) is applicable. Where conflict between standards and criteria exist, the more stringent standard shall be followed. The following factors shall be included in the planning process:

a. Capacity. Prisoner capacity of a shore brig is determined by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) per reference (a). Figures may be adjusted to compensate for surge factors and other local variations.

b. Equipment Requirements

(1) Furniture and Bedding. All quarters in shore brigs shall normally be equipped with the following: a security-type bunk (approximately 30" X 78") at least 12 inches off the floor; a writing surface/desk and proximate area to sit with chair/stool; and adequate storage for clothes and personal belongings. Suitable clean bedding and linen, including two sheets, pillow and pillow case, one mattress, not to exclude a mattress with integrated pillow, and sufficient blankets to provide comfort under existing temperature controls shall be provided. Cells utilized for special quarters (administrative or disciplinary segregation) shall have furniture and fixtures of security-type and preferably be permanently mounted. Furniture

may be removed from cells only if the prisoner's conduct warrants and then only upon specific order of the brig commanding officer (CO) or designee. All furnishings shall meet fire safety performance requirements.

(2) Gang Release System

(a) Five or fewer contiguous cells do not require a gang release system. All manual locks securing such cells/rooms shall be keyed to a single key to permit the supervising staff member to release all occupants in a minimum amount of time in event of a fire or other emergency. This key shall be a different key from that which operates the exterior entry to cell/housing units.

(b) Six or more contiguous cells shall have a gang release system (manual or electric with manual back-up) to permit the supervising staff member to simultaneously release or secure all cell doors in event of an emergency. Each individual gang release device shall not operate more than 15 cells. All electronic locks shall have remote release capability.

c. Plumbing. A prison-type toilet and wash basin shall be provided in each cell. Prisoners must have access to the following:

(1) Toilets and hand-washing facilities 24 hours per day, to include toilet facilities without staff assistance when they are confined in their quarters. Toilets are provided at a minimum ratio of one for every 12 prisoners in male facilities and one for every eight prisoners in female facilities. Urinals may be substituted for up to one-half of the toilets in male facilities. All housing units with three or more prisoners shall have a minimum of two toilets. These ratios apply unless national or state building or health codes specify a different ratio. A water cooler/drinking fountain shall be available within each open bay/single cell housing unit, excluding special quarters.

(2) Operable wash basins with hot and cold running water in the housing units at a minimum ratio of one wash basin for every 12 occupants, unless National or State building or health codes specify a different ratio.

(3) Operable showers with temperature-controlled hot and cold running water at a minimum ratio of one shower for every eight prisoners in level II/III brigs and one to 12 prisoners in PCFs/level I brigs. Water for showers shall be thermostatically controlled to temperatures ranging from 100 degrees to 120 degrees Fahrenheit to ensure the safety of prisoners and to promote hygienic practices.

(4) Metal combination plumbing fixtures (jail-type) which include toilet, sink, and bubbler are required for special quarters cells.

(5) Showers shall be adjacent to the living quarters. Shower heads shall be flush-mounted security-type, unless supported by American Disabilities Act (ADA) requirements.

d. Habitability Requirements

(1) Lighting. Living quarters shall be provided with security light fixtures with candlepower equivalent to current criteria but not less than 20 foot candlepower (fc) at desk level and in personal grooming areas, as documented by an independent, qualified source. These quarters shall be painted in light, neutral colors. Windows shall be arranged to provide access to natural light. Also see paragraph 107.1, Lighting, and paragraph 107.4, Windows, below.

(2) Night Lights. Night lights shall be provided in all living quarters and shall not be any brighter than the absolute minimum needed for visual control and supervision.

(3) Temperature/Ventilation. Temperature and ventilation in living quarters shall be maintained per ACA standards. Ventilation shall not fall below 10 cubic feet per minute per prisoner in existing facilities and 15 cubic feet per minute per prisoner in renovations, additions and new construction.

(4) Noise Levels

(a) Noise levels for existing facilities (living quarters) shall not exceed 70 dBA (A Scale) in daytime and 45 dBA (A Scale) at night.

(b) Noise levels for new construction (living quarters) shall not exceed the following:

1. Unoccupied - 45dBA (A Scale); building service systems shall be on and in normal operating condition. Mid-frequency average reverberation time (T 60) must be less than 1.0 sec.

2. Occupied - 70 dBA (A Scale); for a minimum of 15 seconds of continuous average measurement in normal operating conditions.

#### 4. Open Bay/Single Cell Quarters

##### a. Space Requirements

(1) The maximum capacity of single cell quarters shall not exceed 80 prisoners. The maximum capacity of open bay quarters shall not exceed 64 prisoners. The exact size of each quarters area is determined by:

(a) The security classification of the prisoner occupants (higher security levels may require reduced occupancy); and

(b) The ability of staff to complete regular security checks, maintain visual and auditory contact, maintain personal contact and interaction with prisoners, and be aware of quarters conditions.

(2) Open bay quarters shall provide 72 square feet per prisoner, exclusive of head and shower facilities (not to exceed 64 prisoners). In small brigs where a separate control point exists, open bay quarters shall be located further from the control center than cells.

(3) All cells in pre-trial and level I brigs shall provide a minimum of 70 square feet, of which 35 square feet is unencumbered space. All cells in level II/III brigs shall provide a minimum of 80 square feet, of which 35 square feet is unencumbered space.

(4) Dayrooms with space for varied prisoner activities shall be situated immediately adjacent to the prisoner sleeping areas. Dayrooms shall provide a minimum of 35 square feet of space per prisoner (exclusive of head and shower facilities) for the maximum number of prisoners who use the dayroom at one time,

and no dayroom shall encompass less than 100 square feet of space (exclusive of head and shower facilities). This area shall be equipped with tables, chairs, and recreation equipment.

b. Equipment Requirements

(1) Furniture. Each prisoner shall be provided a locker, security-type bunk (which shall normally be secured to the floor or wall), mattress, pillow, sheets, blankets, and pillow case. Bunks shall not be double-decked if they interfere with visual supervision. Materials should be subjected to careful fire safety evaluation before purchase or use, and specifications for the selection and purchase of brig furnishings shall indicate the fire safety performance requirements.

(2) Plumbing. Each open bay quarters shall have its own water cooler/drinking fountain, heads, and washing and shower facilities adjacent to living quarters. Plumbing facilities shall be provided per ACA standards. Interior panels or partitions, if provided for privacy, shall not obstruct security.

5. Tests. Lighting, temperature, sound, and ventilation tests shall be conducted triennially (every 3 years) as documented by a qualified source/technician and results maintained on file for 3 years.

103. SECURITY AREAS

1. Master Control Center

a. Space Requirements. The control center shall be located within the brig's inner security perimeter and shall be large enough to contain required equipment listed below and to provide reasonable working conditions for control center personnel.

b. Design. Space shall be provided for a 24-hour continuously staffed secure control center for monitoring and coordinating the brig's security, life, safety, and communications systems. Staff assigned to a control center shall have access to a toilet and wash basin. There shall be a communication system between the control center and prisoner living areas. The control center shall allow assigned staff to operate controls and communication devices and perform necessary administrative work at a location which provides a clear view of the main corridor and entrance to the brig. The control center shall not be combined

with any other office or administrative space. It shall have only one entrance which is located outside of the security area. Security features of control center shall be sufficient to prevent unauthorized persons from entering forcibly. Riot conditions shall be considered as an integral part of a control center's plan, design, and construction. Control center shall be constructed and ventilated such that if chemical agents are used within the brig they shall not be inducted into the control center. Control center shall have windows which are glazed with security glass as specified in references (b) and (c) and security openings through which keys, badges, papers, etc., can be issued and received. A secondary control center may be authorized at large correctional facilities; where employed, local policy shall account for function, staffing, and equipment.

c. Equipment

(1) Security. Control center shall be equipped to control movement of all traffic through the inner security perimeter. It shall contain controls and monitoring units for all communication and alarm devices within the brig.

(2) Storage. Control center shall be equipped to store keys, security equipment, life support systems, prisoner movement and accountability records, and dangerous tools when deemed appropriate. Emergency breathing devices shall be maintained in the control center for use by selected staff in case of fire or smoke in areas where prisoners or staff will need assistance.

(3) Plumbing. For new construction, the control center shall provide internal access to a permanent toilet and wash basin for use by assigned staff.

2. Sally Ports. Points of ingress and egress to and from the main building of the brig shall be controlled by a sally port gate with two independently keyed or electrically controlled interlocking grilles or gates with manual override. Points of ingress and egress through the perimeter fence shall be controlled by sally port gates and monitored by remote control cameras from the control center.

3. Fences. Guidelines and criteria for fences may be found in MIL-HDBK-1013/1A, Military Handbook Design Guidelines for Physical Security of Facilities. Construction shall be per above NAVFAC guidelines and reference (c), as applicable.

a. Perimeter. Where perimeter fencing constitutes the security perimeter of the brig, it shall be at least 12 feet high and designed to prevent prisoners from escaping over or under it. If double fencing is utilized, the outer fence shall be spaced to prevent the inner fence from leaning on the outer fence if knocked down.

b. Interior. Fences may be constructed within the security perimeter if needed to enclose or separate certain areas.

c. Concertina/Razor Wire. Use of concertina wire to lace fences is authorized where blade length does not exceed 1½ inches. Use of concertina/razor wire with blade length that exceeds 1½ inches is authorized only with prior approval of NAVPERSCOM (PERS-00D) or CMC (PSL Corrections). When using concertina wire to lace the top of fencing or to lace along the top of brig's buildings that are integral to the security perimeter, the coil of concertina wire shall not be stretched to allow large gaps (vulnerability points) that can be used by prisoners as an escape route. In corner areas, along fence gate hinge points and any other area that provides a vulnerability point between the ground and the top of the fence, adequate concertina wire shall be installed to prevent human penetration.

4. Gates. Openings through the perimeter fence shall be constructed of the same material as the fence and shall not exceed 14 feet in width per single gate. Single and double gates (both permitted for vehicle entrances) shall be secured with an electric or manual prison lock. Gates shall be the sliding-type on a positive top and bottom track and controlled by gate sentry or control center staff. Perimeter gates, when part of the brig's security perimeter, shall normally be limited to one front entrance and one rear service entrance, both secured with a sally port large enough to enclose anticipated traffic. Additional gates may be needed to meet fire, life, and safety requirements. Division fences shall have sufficient gates to handle normal traffic and shall be equipped with a positive position latch secured by a heavy duty padlock. Division gates may be monitored by closed circuit television.

5. Patrol Roads. A roadway (paved or unpaved) suitable for both vehicle and foot traffic may be constructed outside the perimeter fence and not closer than 5 feet from the fence to the inside

edge of such road. This roadway shall be restricted to use by brig staff in the performance of their duties unless it is a regularly used sidewalk along a public street.

6. Gate Houses. Gate houses, where used, shall be located at the side of a sally port with access only from within the sally port. Windows shall be the same as prescribed for prisoner quarters. Gate houses shall be furnished with both internal telephone and inter-communication connected with the control center.

7. Communications Equipment (Emergency) Criteria. There shall be a communications system within the brig and between the brig and community in the event of urgent, special, or unusual incidents or emergency situations. All equipment installed in brigs shall be of the kind, type, and specifications required by applicable regulations, except as specified herein. These exceptions are necessitated by security and control factors peculiar to confinement. Internal communications, duress alarms, and a direct means of voice to fire and security departments constitute minimum requirements for communication systems. Other options may be added, if needed.

a. Internal Communications and Alarms

(1) Internal communication systems (telephone, radio, or two-way intercom unit) shall be installed at each post and living quarters to permit staff members to communicate on post and conduct normal business.

(2) A body alarm, duress system, or radio is required for staff (including unescorted volunteers) within the secured perimeter of the brig. Brigs with a rated capacity of 50 or more prisoners shall be equipped with a duress alarm system which pinpoints troubled areas until switched off in the control center.

b. External Communications and Alarm. Sufficient outside telephone and computer infrastructure (e.g., trunk lines, broadband access, wireless network incorporation, etc.) shall be available to permit efficient conduct of business, and to alert other station offices in event of emergencies. Outside communication capability shall be restricted from prisoner access except as provided for in article 1640-080, paragraph 301.20. Alarms shall be installed as required for life safety (e.g., fire

or other emergencies). There shall be at least one direct means of communication (telephone, radio, intercom, or alarm) between the brig's control center and installation's security police dispatcher's office, destructive weather operations center, and fire department dispatchers.

c. Monitoring. All alarm devices in the brig shall be controlled and monitored from within the control center.

## 8. Fire Construction/Equipment

a. Emergency Exits. Emergency doors with view ports shall be provided in addition to regular point of ingress and egress. Door locations shall permit prisoners to be evacuated from living quarters in the event the regular entrance is inaccessible. Doors also provide an alternate entrance for staff members during a disturbance. Emergency doors must be hinged to swing outward. If exterior fire exit stairs are provided they shall be open-type allowing visual control of fire exit doors. Locks on fire doors shall be electrically controlled from the control center and have a manual back-up capability. It is essential that a weekly testing of emergency doors be included in the security inspections described in paragraph 202.1, below.

### b. Fire Equipment

(1) Fire Extinguishers. The fire department shall prescribe the kind and number of fire extinguishers and overhead sprinkler systems and conduct regular (at least quarterly) on-site fire drills and checks of equipment. It is essential that extinguishers, especially chemical type, be closely controlled when required in areas to which prisoners have access. Air/water extinguishers are preferable for prisoner access areas when fire codes permit, but these must be checked frequently (at least monthly by a qualified fire/safety officer) to ensure they are operable, readily accessible, and in compliance with safety and fire prevention standards. Soda/acid extinguishers shall not be used unless required by the fire department. If at all possible, fire extinguishers shall not be placed within reach of prisoners when in their living quarters.

(2) Fire Hydrants and Hoses. Access by prisoners to fire hydrants located within the security perimeter must be strictly controlled. Fire hose connections and hoses (fire stations) within the brig require strict control. Fire hoses, nozzles and

valves, insofar as possible, shall be installed in areas where prisoners do not have easy access. Nozzles shall be small enough to pass freely between any grille-work in the area they service. Sprinkler systems installed in prisoner living quarters shall have the control valve restricted to staff access.

(3) Other Fire Equipment. Fire protection equipment shall be available at appropriate locations throughout the brig. When such equipment is inside the security perimeter, it shall be under constant staff supervision.

9. Restricted Areas. General areas (i.e., roadways, parking lots, etc.) within the immediate proximity and surrounding the brig shall be posted as restricted areas. Additionally, warnings shall be posted that photography and video/digital recording is prohibited.

104. PROGRAM AREAS. Whenever feasible, multi-purpose rooms shall be constructed to supplement programs spaces (e.g., classrooms, visiting, or messing). In addition, multi-purpose rooms shall be built adjacent to each living quarters to support programs spaces. Refer to references (a) and (b) for various program areas.

1. Classrooms. Classroom(s) shall be located within the brig, preferably within the same building as prisoner living quarters (grouped together where more than one classroom is justified). Windows shall be security-type. Doors shall be security-type with view ports, equipped with institutional locks and designed to swing outward, unless code regulations require otherwise.

2. Shops. Workshops and industry shops shall meet the criteria specified in NAVFAC DM-28.4, General Maintenance Facilities. In addition, following security items are set forth:

a. Functional types of shops shall be separated by at least an interior wall from each other and from prisoner spaces. Industrial shops shall be located near laundry and mechanical rooms and, in larger facilities, adjacent to vocational shops. These shops shall be located off the service entrance loading platform.

b. All shops shall ensure compliance with the brig's tool control plan per article 1640-040, paragraph 404.

3. Chapel. Space shall be provided for religious activities. This space may be designed for multiple uses.

4. Visiting

a. Space. There shall be an area for personal, command, or legal and official visits. Size and number of these rooms shall allow adequate space to accommodate projected needs of the brig.

(1) Personal and command visits spaces shall be contiguous to the general visiting area.

(2) Private interview rooms for legal and official visits shall be constructed in such a way as to ensure such visitors have acoustical privacy in conducting their business. These rooms shall be furnished with chairs, desk or table, and a light fixture. Windows shall be security-type. These rooms shall be equipped with a security door complete with view port. Two-way intercoms or other listening equipment shall not be installed in this area. Whenever feasible, access to a telephone shall be provided for initial reviewing officer/magistrate hearings, defense counsel, and where requested, command visits.

(3) Prisoners requiring special handling may be required to visit in non-contact visitation booths.

b. Furnishings. Visiting room furnishings shall be informal and casual to create a relaxed atmosphere. Use of outside areas with appropriate furniture is encouraged. Visitor lockers shall be available to secure personal belongings and other personal items not authorized within the visiting area. Visitors shall be temporarily issued a locker key.

c. Security Features. Windows shall be of security-type. Entrances shall have swinging grille or security doors (with view port) equipped with combination snap and deadlock prison locks or an electro-mechanical operation controlled by the control center.

5. Recreation. Both outdoor and covered/enclosed exercise areas for general population prisoners shall be provided in sufficient number to ensure that each prisoner is offered at least one hour of access daily. Use of outdoor areas is preferred, but covered/enclosed areas must be available for use in inclement weather. Covered/enclosed areas can be designed for multiple

uses as long as the design and furnishings do not interfere with scheduled exercise activities. The minimum space requirements for exercise areas are as follows:

a. Outdoor exercise areas in facilities where 100 or more prisoners utilize one recreation area - 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time, but not less than 1,500 square feet of unencumbered space.

b. Outdoor exercise areas in facilities where less than 100 prisoners have unlimited access to an individual recreation area - 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time, but not less than 750 square feet of unencumbered space.

c. Covered/enclosed exercise areas in facilities where 100 or more prisoners utilize one recreation area should have 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 1,000 square feet of unencumbered space.

d. Covered/enclosed exercise areas in facilities where less than 100 prisoners utilize one recreation area should have 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 500 square feet of unencumbered space.

e. Special quarters shall have either outdoor uncovered or outdoor covered exercise areas. In cases where cover is not provided to mitigate the inclement weather, appropriate weather-related equipment and attire should be made available to the prisoners who desire to take advantage of their authorized exercise time. The minimum space requirements for outdoor exercise areas for special quarters are as follows:

(1) Group Yard Modules. 15 square feet per prisoner expected to use the space at one time, but not less than 500 square feet of unencumbered space.

(2) Individual Yard Modules. 180 square feet of unencumbered space.

## 105. STORAGE AREAS

1. Property/General Storage. General storage rooms shall be secured and, where practical, provided with a heat sensitive automatic sprinkler system and adequate ventilation to prevent mildew in wet climates. Storage rooms shall be inaccessible to prisoners and constantly supervised when open.

2. Volatile Liquid Storage. Space shall be provided for storage of all volatile liquids in an area approved per local safety regulations. Any liquid or aerosol required to be labeled "flammable" or "combustible" under Federal Hazardous Substances Labeling Act must be stored and used according to label recommendations and in a way that does not endanger life or property (see article 1640-040, paragraph 406.1 and 2 of this manual). All brigades shall have a hazardous material (HAZMAT) program governing the control and use of all flammable, toxic, and caustic materials that comply with Federal, local and installation HAZMAT regulations. Additionally, ACA guidelines for the control and use of flammable, toxic, and caustic substances shall be adhered to.

3. Vehicle Storage. Storage buildings for any powered, self-propelled vehicles shall be outside the perimeter fence. Garages shall be located near the rear sally port and accessible to the service road.

4. Armory/Firearms Vault. Firearms, chemical agents, and related security items shall be stored in a secure but readily accessible location outside of the security perimeter. In smaller facilities, base or station armory or security office shall serve as a storage place for firearms, chemical agents, and related security items. If necessary (because suitable storage is not provided by the station), a secure vault or lockable steel lockers for firearm storage shall be installed outside the security perimeter of the brig.

106. SUPPORT AREAS. Support areas include but are not limited to:

### 1. Administrative Offices

a. Offices outside the security perimeter shall be provided for key brig staff as determined by the brig CO. Additional

administrative areas may be provided for administrative staff and records.

b. Offices inside the security perimeter shall accommodate the manning configuration of the brig, as assigned, and often include but are not limited to senior department staff. Security features are required for areas where medications, mail, prisoner records and sensitive personal identifying information (PII), funds/valuables, and personal effects are stored.

2. Mess. Brigs with a capacity of 100 or fewer prisoners should cater food from existing installation facilities where practical. Brigs over 100 prisoners shall utilize the most economical method of feeding prisoners, taking into consideration the local messing resources available.

a. Mess Hall. If messing facilities are supplied by the brig, general mess requirements as specified reference (c) and applicable Service-related policy.

b. Galley and Scullery. If a galley and a scullery are required within the brig, they shall be constructed and equipped per criteria specified in NAVFAC and Service-related policy. In addition, the following security measures are required:

(1) All coolers, refrigerators, and storage rooms shall be equipped with cylinder door locks or hasps secured with padlocks;

(2) A lockable shadow board storage for knives, cleavers, blades, and tools shall be permanently mounted in a secured area (room or cage); and

(3) Service doors used for delivery of supplies and removal of garbage shall have a sally port arrangement.

3. Medical/Dental. Medical/dental space shall be provided per local brig needs. Size of these spaces shall be in proportion to rated capacity of the brig. At a minimum, medical space shall be furnished with an examination table, instrument cabinet, writing desk, and adequate examination lighting. A securable container shall be permanently installed in the medical space for storage of narcotics and other prescription medicines. In addition to

its own locking device, the container shall be installed in a lockable closet or cabinet which is permanently attached to the floor or wall.

4. Receiving and Release (R&R). R&R shall be located within the security perimeter. This space shall have sufficient storage to store an adequate supply of health and comfort items, issue clothing, and authorized gear. R&R shall have an administrative office and a private area for strip searches.

5. Elevators. Where elevators or other lift devices are used, they shall be operated only by key.

6. Laundry

a. Prisoner Laundry. Space shall normally be provided within the security perimeter for prisoner laundry. Size of the laundry, equipment, and storage areas shall be proportionate to the volume of work performed. Doors shall be security-type with view port and equipped with institutional locks and hinged to swing outward. Lockable storage space shall be provided for cleaning supplies (e.g., soaps, detergents, bleaches) and for completed work storage prior to delivery.

b. Commercial Laundry. If work is performed for other organizations on the base or station, laundry space shall be designed per pertinent NAVFAC criteria for larger laundry operations.

107. MISCELLANEOUS AREAS

1. Lighting

a. General Rule. Adequate lighting shall be provided in all areas of the brig in order to ensure security and is determined by the tasks to be performed, interior surface finishes and colors, type and spacing of light sources, outside lighting, and shadows and glare. Permanent posts shall be provided with additional illumination when necessary for accomplishment of assigned functions (e.g., searches, administrative tasks).

b. Living Quarters. Staff members shall carry flashlights for use between taps and reveille.

c. Compound Lighting. Perimeter fence shall be lighted with outdoor fixtures generally mounted on poles installed outside perimeter fences, out of the reach of prisoners, and of sufficient height to illuminate the designated area. If it is deemed more practical, instead of poles, the area may be lighted with fixtures mounted on the exterior of the building and spaced as specified for light poles. These lights shall be installed to light each corner of the compound and remainder of the perimeter. All wiring to these lights shall be either buried underground, built into building structures, or protected by metal conduit. Compound lights shall be positioned to eliminate dark areas in doorways, walkways, and between buildings but not to interfere with prisoners sleeping within living quarters.

d. Emergency Lighting Equipment

(1) Emergency/Power Generators. Each brig shall have service of an emergency diesel/gas generator, with automatic transfer switch, capable of maintaining minimal lighting in prisoner living quarters and of operating perimeter lighting, electrical locks, security devices, alarms, and emergency circuits. Generators shall be inspected weekly and load tested quarterly or in accordance with manufacturer's recommendations and instruction manuals, whichever is more frequent. Appropriate documentation shall be maintained by the brig to record all testing and maintenance. Load testing shall be conducted only by authorized personnel.

(2) Constant-Charge Battery. Each brig shall have constant-charge, battery-operated lights, necessary to maintain essential emergency lighting. At a minimum, these lights shall be placed within the common areas of prisoner living quarters at strategic places in passageways and administrative spaces.

e. Lighting Fixtures

(1) Lighting fixtures in living quarters shall be security-type.

(2) All electric wall plates in living quarters shall be rigid nylon and mounted with spanner or security screws.

## 2. Electrical Systems

a. Electric outlets or switches shall not be installed in any special quarters cell.

b. Electric lines shall be in metal conduits with fixtures individually and collectively switched. These switches shall be located behind locked panels controlled by staff. Uninterrupted-power source (UPS) equipment may be employed to support electronic control equipment.

c. Electrical power substations shall be located outside the security perimeter. If circumstances require the power substation to be located within the security perimeter, adequate security devices shall be in place to control and preclude prisoner access.

## 3. Temperature and Ventilation

a. Policy. Temperature and ventilation in all areas of the brig shall be maintained per prescribed requirements of ACA standards. Temperatures shall be appropriate to the summer and winter comfort zones. Habitability requirements are addressed in paragraph 102.3.d(3), above. Control center shall be well ventilated and shall be air-conditioned.

b. Fixtures. Heat and ventilation fixtures in living quarters shall be security-type and fastened with security screws.

### c. Heat and Ventilation Systems

(1) Source (power plant) of heat, hot water, and steam shall be located outside the security perimeter of the brig. If circumstances require the power plant to be located within the security perimeter, it shall be constructed as a maximum security building and the main electrical and water supply cutoff controls shall be located in this building.

(2) All ductwork, pipes, and conduits within the security perimeter shall be buried underground, contained in locked tunnels and spaces, or concealed within structural walls, ceilings, roof, or floors. These conduits and tunnels shall have hardened grille partitions at appropriate locations to preclude their use as an escape route.

#### 4. Windows

a. Windows in exterior walls of buildings within the security perimeter shall be security-type.

b. Buildings housing prisoners shall be constructed with above ground windows. Windows in living quarters shall be arranged to provide maximum natural light and natural ventilation commensurate with safety and security requirements (existing only).

c. All living quarters shall provide prisoners with access to natural light by means of at least three square feet of transparent glazing, plus two additional square feet of transparent glazing per prisoner in living quarters (renovation, addition, and new construction).

d. Each dayroom provides prisoners with access to natural light by means of at least 12 square feet of transparent glazing in the dayroom, plus two additional square feet of transparent glazing per prisoner whose living quarters is dependent on access to natural light through the dayroom (new construction only).

#### 5. Plumbing

##### a. Fixtures

(1) Each single cell quarters, with exception of "bare" cells, shall, be equipped with a combination drinking fountain, wash basin, and toilet. Special quarters cells shall use the metal jail security-type.

(2) Shower heads shall be non-adjustable, flush mounted security-type, unless otherwise supported by ADA requirements.

(3) Faucets, valves, mixing valves, shower heads, etc. shall be heavy-duty-type designed for institutional use. Toilets shall be floor or wall mounted only. Wash basins shall be flush mounted or the metal jail security-type.

(4) Operating valves for toilets, wash basins, urinals, and showers shall be of the push-button-type or non-removable. All floor drains shall be secured with spanner or security screws.

c. Water and Sewage System

(1) All cutoff valves for water and sewage systems shall be installed behind lockable doors or panels accessible only to staff members.

(2) No water, steam, or drain mains shall be exposed in any building within the security perimeter to which prisoner(s) have regular or unrestricted access.

6. Utilities Control. All major utilities shall be secured to prevent prisoners from gaining control of these units. Each brig shall have a blueprint identifying locations of all utility controls. It shall be accessible to designated staff members, but not prisoners. Orientation of utility control location and their operation shall be included in pre-service/in-service training and annually thereafter for key personnel.

7. Passageways

a. No passageways designed for prisoner or personnel traffic shall contain exposed utility pipes, conduit, or ductwork.

b. All interior doors leading from passageways shall be of the security-type equipped with view port, combination snap, and deadbolt prisoner locks and hinged to swing outward. Where extra security is needed, a grille door shall be installed to form a safety vestibule (sally port) entrance.

8. Stairwells

a. Interior stairwells shall not contain windows, doors, or compartments other than doors to the floors which they service.

b. Interior stairwells shall be well lighted and have sufficient fixtures to preclude any area being in total darkness if a single fixture fails.

9. Signs

a. Signs shall be of uniform color, size, and configuration except where safety and fire codes dictate to the contrary. Signs shall be kept to a minimum. Magnetic signs and signs

affixed with magnets are prohibited within the security perimeter as they may cause problems with locks and electronic components and pose other security concerns.

b. Exterior signs shall either be painted on roadways and curbs, attached flush with buildings or fences, or pole-mounted outside the security perimeter. Those mounted on fences shall not interfere with vision of sentries in the surveillance of their post.

c. Labeling within living quarters should be stenciled. If label plates are used, they shall be flush-mounted, secured with security screws, and not present a security risk.

d. Emergency exit signs shall follow National Fire and Protection Association Life Safety Code guidelines.

#### 10. Prisoner Lockers

a. Every locker shall be secured by a prison-type combination lock, operable by a key, to facilitate inspection at any time by a staff member. Locks shall be provided for prisoners by the brig. Master keys are to be kept in a safe place and available only to authorized personnel for use by them personally or by their direction. Any lock which has been altered so it may no longer be opened by the master key shall be removed from the locker and replaced with a properly functioning lock.

b. General population prisoners shall have access to their assigned locker. Prisoner lockers within special quarters are design-contingent. Local policy shall determine access to personal effects for special quarters prisoners.

#### 11. Additional Security Equipment

a. Perimeter Detection Systems. These serve to identify the point at which a perimeter breach occurs. Where such systems are used, they shall not perform any function other than to trigger alarms.

b. Building Intrusion Detection Systems. These serve to identify the point at which a breach occurs within the security

perimeter. These security systems shall be employed and serve to identify breach points within critical areas of the brig and sound alarm.

c. Closed-circuit Television. These security systems shall be employed and serve to monitor strategic areas internal and external of the brig to augment and bolster brig security. Closed-circuit television shall not be used to replace staff members for observing and monitoring living quarters.

12. Construction Materials. Non-combustible, fire-resistant materials shall be used in all construction/alteration.

## **SECTION 2. MAINTENANCE - PHYSICAL PLANT**

### 201. NAVFAC/MAINTENANCE DEPARTMENT SUPPORT

1. Normal Maintenance. NAVFAC/maintenance officer shall furnish the brig materials required to accomplish self-help maintenance functions. When persons from outside the brig are used, they shall be informed of security requirements and be required to cooperate with their assigned escort in all security matters.

2. Security Equipment Maintenance. Damaged security doors, gates, locks, alarms, lighting, and keys are examples of the kinds of equipment which shall receive immediate attention by the NAVFAC/maintenance department to prevent security, health, and safety hazards. Only qualified brig staff shall attempt to repair this kind of equipment. Until repairs are made, brig staff may install temporary barriers to reduce the chance of escape or prevent danger to the staff or prisoners.

3. Equipment defects or physical plant deficiencies which present a danger to personnel shall be repaired on an emergency basis and special precautions shall be exercised until necessary repairs are completed.

4. Water Supply. The brig's potable water source and supply shall be certified by an independent, outside source to be in compliance with jurisdictional laws and regulations. Test results shall be maintained for 3 years.

202. INSPECTIONS AND OVERSIGHT. Inspections by brig staff as they go about daily duties shall be made of all locks, bars, windows, doors, and other security equipment to ensure they have

not been tampered with and are operating satisfactorily. All personnel must be trained to observe and report any unusual conditions, defective security equipment, or violation of security procedures. Written reports of discrepancies shall be provided to designated brig staff. The Command Duty Officer/Duty Brig Supervisor (CDO/DBS) shall report daily to the brig officer or designee on the status of the physical plant. The brig officer or designee shall visit the brig's living and activity areas at least weekly to encourage informal contact with staff and prisoners and to informally observe living and working conditions.

#### 1. Required Inspections

##### a. Daily

(1) Supervisory staff shall conduct a daily inspection, including holidays and weekends, of all areas occupied by prisoners for fire/life/safety and sanitation requirements and submit a daily written report to the brig officer or designee.

(2) Where applicable, refrigerator and water temperatures (food service equipment) are checked and documented daily by qualified assigned staff.

##### b. Weekly

(1) Inspection of all food service areas, including dining and food preparation areas and equipment, by administrative, medical, or dietary personnel; these may include the person supervising food service operations or their designee.

(2) A comprehensive fire and safety inspection of the brig by a qualified staff member.

(3) A comprehensive sanitation inspection of the brig by qualified medical staff or qualified staff trained by medical personnel to ensure that cleaning and maintenance procedures are being carried out and that a vermin eradication program, if required, has been implemented and that pest control professionals conduct monthly inspections.

(4) A comprehensive inspection of security devices (bars, locks, windows, doors, etc.), emergency equipment (to include

generator and constant-charge, battery-operated emergency lights), and fire-fighting equipment shall be conducted by qualified staff members.

(5) Supervisory staff shall conduct a weekly inspection of all unoccupied areas.

c. Monthly

(1) A comprehensive and thorough inspection of the brig by a qualified fire and safety officer for compliance with safety and fire prevention standards.

(2) A comprehensive and thorough sanitation inspection by qualified medical staff or qualified safety personnel trained by medical personnel (not applicable to pre-trial confinement facilities and level I brigs).

(3) Key control system functionality.

d. Quarterly

(1) Sanitation/habitability inspection of brigs conducted by preventive medical personnel.

(2) Load test of power generators (see paragraph 107.1.d(1) above).

(3) Key inventory.

e. Other. See article 1640-010, section 1.

2. Qualified staff members conducting required daily/weekly/monthly inspections shall have received training in and shall be familiar with the applicable fire prevention, safety, and sanitation requirements of the local base and higher authority. At a minimum, a qualified command safety officer and medical personnel shall provide on-the-job training regarding applicable regulations and inspections, including the use of checklists and methods of documentation.

203. SAFETY PROGRAM

1. General. The brig officer shall ensure a safety program is effectively carried out for staff and prisoners. Accident

prevention and elimination of safety hazards require continuous efforts by staff members and cannot be successful without their cooperation. Faulty equipment must be repaired, replaced, or removed. Prisoners must be instructed in the proper use of tools and be required to observe all safety precautions. Safety regulations shall be posted at each machine. Wearing of appropriate personal protective equipment (e.g., hard hats, eye/hearing protection, etc.) is mandatory.

2. Standards. Facilities shall comply with Naval Occupational Safety and Health standards, fire, life, and safety requirements, and with those requirements prescribed by higher headquarters and other appropriate authorities.

204. SANITATION/MAINTENANCE/HOUSEKEEPING. A written housekeeping plan for all areas of the brig's physical plant provides for daily housekeeping and regular maintenance by assigning specific duties and responsibilities to staff and prisoners. Facilities shall comply with local base health and sanitation regulations, all applicable health codes, and frequency of inspections prescribed in paragraph 202.1, above. Records shall be maintained to document that any past deficiencies noted during annual inspections have been corrected.



## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-030

#### STAFF

<b>Responsible Office</b>	NAVPERSCOM (PERS-00D)	Phone: DSN	882-4444
		COM	(901) 874-4444
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<b>References</b>	(a) DoD Financial Management Regulation, Vol. 5, Chap. 27 of Sep 2010 (b) NAVSO P-6064, Manual for Courts-Martial United States (2008 edition)
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#### SECTION 1. STAFF SELECTION/ASSIGNMENT

##### 101. SELECTION CRITERIA

###### 1. General

a. "Staff", for the purpose of this manual, includes brig Service members, civil service employees, volunteers, and contract/other governmental employees.

b. Personnel (military or civilian) selected for duty in naval briggs must, unless specifically waived by Navy Personnel Command (NAVPERSCOM), Corrections and Programs (PERS-00D) and Commandant of the Marine Corps (CMC (PSL Corrections)), shall meet and maintain the following general criteria:

- (1) Personnel shall be mature and emotionally stable;
- (2) Members who have a history of neuropsychiatric disorder or excessive use or dependence upon alcohol shall not be assigned to brig duty;
- (3) There must be no documented in-Service drug use;
- (4) Members should demonstrate leadership qualities;
- (5) Military personnel shall have no record of a civil court conviction, except for misdemeanor traffic violations; and

(6) Civilian personnel convicted of a felony are ineligible for employment in a brig (5 U.S.C., chapter 73).

c. Reasonable accommodations to known physical and or mental impairments of a qualified individual with a disability, either an applicant or an employee, shall be granted unless it would not impose an undue hardship or cause a direct threat to the brig's mission.

d. Persons under investigation or being considered for administrative separation shall not be assigned to brig duty.

2. Navy personnel shall:

a. Have completed at least 24-months active duty following completion of recruit training;

b. Be in pay grade E4 or above;

c. Have no record of conviction by court-martial or nonjudicial punishment during past 36 months, and shall maintain a clear record during current tour of brig duty;

d. Be within body fat standards per OPNAVINST 6110.1H;

e. Have a Navy General Classification Test (GCT) score of at least 45, or Word Knowledge (WK) score of at least 45;

f. Possess a high school diploma or a high school equivalency certificate;

g. Have no mark below 3.0 for Navy members E7 through E9 on NAVPERS 1616/27 Evaluation Report and Counseling Record (E7-E9), in any trait and must reflect a steady or improving trend for the past 36 months; and

h. Have no mark below 3.0 for Navy members E4 through E6 on NAVPERS 1616/26 Enlisted Evaluation and Counseling Record (E4-E6). Recommendation for waiver of eligibility criteria shall be considered on a case-by-case basis when the overall evaluation trend is improving and the filling of a high-priority brig billet dictates.

3. Marine Corps Personnel. Marine Corps personnel who successfully complete the basic corrections course directed by

CMC (PSL Corrections), and meet the experience requirements contained in Marine Corps Order P1200.7Y, shall be awarded the MOS 5831. Members E5 and above who have successfully complete a formal corrections counselor course may be assigned the secondary MOS 5832.

4. Supervisory Positions. Personnel assigned to key positions (i.e., commanding officer (CO), brig officer, or command duty officer/duty brig supervisor (CDO/DBS)) shall have served a minimum of 2 years of active duty or have attained a level of qualification by reason of civilian experience or academic background to warrant such an assignment. If it is their initial assignment to a brig they shall complete the appropriate enroute formal training and local pre-service orientation program before being assigned operational responsibility. Personnel reassigned to another brig without a break in experience must participate in an abbreviated program designed to orient them to that particular brig. Navy officers assigned to brig duty shall attend training required by NAVPERSCOM (PERS-00D).

5. Correctional Counselor. In addition to the general selection criteria described above, correctional counselors shall meet the following criteria:

a. Be in pay grade E5 or above and possess a strong desire to perform correctional counselor duties;

b. Possess a high school diploma or equivalent. Ideally, selected personnel shall have completed college or high school courses in social sciences;

c. Possess an ability to communicate effectively both orally and in writing;

d. Display interest in providing guidance and emotional support to others;

e. Successfully completed the specialized training designed for correctional counselors;

f. When assigned to shore brigs shall have completed a minimum of 6 months corrections duty; and

g. Be able to serve as a correctional counselor for a minimum of 1 year after completion of formal correctional

counselor training. Longer commitments may be established by the brig officer as appropriate.

h. Exceptions must be approved by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections).

## 102. ASSIGNMENT

1. Personnel shall be assigned to a brig for normal tours of duty. Transient personnel shall not be assigned to duty at a brig unless authorized in each case by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections).

2. Personnel ordered to duty in a brig shall receive specialized corrections training and shall not be utilized by the parent command, if not the brig, for other command functions. Brig personnel shall not be assigned to watch bills (except at the brig) or to collateral assignments that involve law enforcement/legal functions or any other duties that shall conflict with the ability to immediately respond to a crisis at the brig or present a significant conflict of interest.

3. Personnel external to the command who possess Navy Enlisted Classification Code (NEC) 9575/9516 (Correctional Custody Specialist Ashore/Correctional Counselor) or Marine Corps Military Occupational Specialty (MOS) 5831/5832 (Corrections Specialist/Correctional Counselor) may be assigned collateral duties at the brig in cases of necessity and with approval of the brig officer.

4. With the exception of formal lateral move assignments (USMC-unique), naval staff shall possess formal school training prior to assignment to duties at a brig. Substitution of staff without formal school training is not authorized unless specifically approved in each case by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections). Personnel shall be closely screened for suitability for correctional duty per applicable Service policy.

5. Mixed-Gender Supervision. Male or female Service members may be assigned to brigs authorized for prisoners of both genders.

6. Personnel from Other Military Services. In locations where naval brigs regularly confine members of other Service

components, inter-Service support agreements shall be established at the headquarters-level governing confinement services and support provided between parties of the agreement.

7. Civilian Personnel. As a condition of employment, civilian personnel shall successfully complete required training courses appropriate to their position and may be subject to a background check/urinalysis. Civilians covered under the Law Enforcement Officer Retirement System (LEORS) may be subject to passing physical examination requirements and adhering to physical standards, working nights and weekends, and meeting training requirements. Healthcare and mental health providers must be licensed and meet Service credentialing requirements prior to hiring, and must maintain requirements during employment. For Navy, all civilian position descriptions are to be standardized with any changes to be coordinated and approved by NAVPERSCOM (PERS-00D).

8. Contract Staff. Contractors may be used on a temporary basis in support positions when approved by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections).

## **SECTION 2. STAFF UTILIZATION**

201. FUNCTIONS AND TASKS. Personnel serve in either command or operational levels. The below list of personnel, although not all inclusive, serves as a basis to identify common billets and assigned tasks.

1. Command Level. The commanding officer (CO) has overall responsibility for operation of the brig. As used in this manual the term "CO" refers to one of the following:

a. Navy. If a brig is established as an activity, the term "CO" refers to the commanding officer of that activity. If the brig is not established as an activity, the term "CO" refers to the commanding officer of the activity under which the brig is organizationally aligned.

b. Marine Corps. For Marine Corps brigs, the term "CO" refers to the officer who is appointed in writing by the installation commander, where the brig is located, as the commanding officer of the brig.

c. Approving Authority. For the purpose of this manual, the term "approving authority" refers to the "commanding officer". The commanding officer may appoint the brig officer in writing as the approving authority for specific command-level actions, except at pre-trial brigs where the brig officer is enlisted, in which case the CO is the approving authority. Under this definition the "approving authority" is always a uniformed officer.

2. Operational Level. The following functions are at the operating level:

a. Brig Officer. Brig officer, as used in this manual, refers to the officer or senior enlisted member formally assigned or appointed, in writing, responsibility for the day-to-day operation of the brig.

(1) For Navy pre-trial confinement facilities, the brig officer is the chief petty officer in charge.

(2) For Navy level I brigs, the brig officer is the officer in charge.

(3) For Navy level II/III brigs, the brig officer is the executive officer.

(4) For Marine Corps brigs, the brig officer is the senior enlisted member assigned to the brig.

b. Corrections Technical Director (CTD) (Navy). CTD is the senior civilian assigned to the level II/III brig and serves as the senior resident expert on all correctional matters (particularly American Correctional Association (ACA) standards) and as such acts as the policy advisor to the CO. The CTD performs as the principal advisor to all brig personnel in corrections matters and operations. Working directly for the CTD is the corrections technical advisor (CTA), the senior Marine Corps enlisted correctional specialist who acts as a principal advisor to the CTA and all brig personnel in corrections matters and operations.

c. Assistant Officer in Charge (AOIC) (Navy). At level I brigs, a member with correctional administration, programs and security experience shall be assigned as AOIC. This position shall normally be filled by a civilian and, as such, shall have

no Uniform Code of Military Justice (UCMJ) disciplinary authority over the staff or prisoners. AOICs perform such duties as assigned by the brig officer and act, within judicial constraints, for this person in their absence. AOICs are responsible for the organization, performance of duty, good order and discipline of the entire brig, and supervise security, programs, administrative support, and training.

d. Chaplain. A chaplain, when not assigned full time to the brig staff, shall be assigned in writing by the CO of the activity to administer religious programs.

e. Medical/Dental. Medical/dental officers, when not assigned full time to the brig staff, shall be assigned in writing by the CO of the medical/dental activity providing service to the brig to care for the medical/dental needs of the prisoners and sanitary conditions of the brig. An independent duty corpsman, if assigned to the brig, shall: be supervised by the brig medical officer, maintain credentialing and peer reviews, and supervise assigned hospital corpsman.

f. Funds and Valuables Custodian/Assistant and Collection Agents. The CO or designee shall appoint in writing persons to collect and safeguard prisoners' personal funds and valuables.

(1) A funds and valuables custodian/assistant shall be designated in writing per reference (a), article 270101, and shall be provided with adequate safekeeping facilities.

(2) Collection agents (authorized custodians) shall be designated in writing per reference (a), article 270101, to receive prisoners' funds and valuables and shall be provided with adequate safekeeping facilities for temporary storage of receipts.

g. Mail Supervisor. The CO or designee shall appoint in writing a staff member as an authorized custodian. The mail supervisor is responsible for receipting, logging, inspecting, distributing, and posting prisoner mail, and for receipting and accounting for prisoner funds and valuables received through the mail.

h. Programs Officer (Marine Corps)/Prisoner Management Department (Navy). Manage prisoner living quarters, unit teams, and applicable corrections programs.

i. Correctional Counselor. A correctional counselor provides direct and indirect, individual and group counseling to no more than a 40-prisoner caseload and assists in prisoner program plan development, performance, and evaluations.

j. Training Supervisor/Officer. Training supervisor/officer is responsible for the annual training plan and scheduling and ensuring accomplishment of pre-service and in-service training, escort training, and maintenance of training records for staff.

k. Work Supervisor. Work supervisor is responsible for planning and coordinating of work projects and working parties employing prisoners. Major functions include maintaining liaison with area coordinators, installation commanders, and immediate superiors in command in identification and assignment of productive work projects suitable for prisoners; ensuring work parties are supervised by trained and qualified escorts; monitoring work parties on or away from the brig; providing maintenance and general sanitation of the brig and grounds; and coordinating employment of installation custody and minimum custody prisoners on individual assignments to other commands.

l. Project Supervisor. Project supervisors are responsible for special type work or programs (e.g., laundry, carpentry, auto mechanics, welding, electrical, maintenance, etc.) and are required to be qualified in technical and safety requirements of the project they are assigned to supervise.

m. Case Manager/Counselor. Case managers/counselors assist prisoners in developing personalized prisoner program plans and programs meeting prisoner retraining needs and ensure prisoners carry out their program plans.

n. Victim Witness Coordinator. Victim witness coordinator shall be appointed in writing by the CO or designee. Victim witness coordinator duties may include sex offender notifications. Responsibilities include implementing these public law requirements per applicable policy. These responsibilities may be assigned as additional duties.

o. Shared Service/Administration Officer. Shared service/administration officer responsibilities may include administrative and prisoner records, brig correspondence, statistical data, reports, and prisoner sentence computation.

p. Receiving and Release Supervisor. Receiving and release supervisor is responsible for processing prisoner intake and release, relevant records and supplies, including health and comfort items, prisoner personal property, clothing issue, and storage.

q. Supply Officer/Supervisor. Supply officer/supervisor is responsible for receipt, issue, and inventory of brig operational supplies.

r. Operations Officer. Operations officer is responsible for brig security, control, key and weapons accountability, emergency planning and response, control of prisoner movement, maintenance of security and related equipment, perimeter patrol, and supervision of group activities.

s. Command Duty Officer/Duty Brig Supervisor (CDO/DBS). CDO/DBS is responsible for supervising the security force, maintaining good order and discipline, carrying out the plan-of-the-day, and ensuring the health, welfare, and safety of staff members and prisoners. In the absence of the brig officer or during holidays, weekends, and after normal business hours, the CDO/DBS is in charge of brig operations.

t. Master Control Center Supervisor. Master control center supervisor is responsible to the CDO/DBS for maintaining the prisoner accountability and security system. The control center is the hub of the communications system and coordinates information and activities concerning prisoners and prisoner movements. The master control center supervisor may be responsible for storage, issue, and inventory of security equipment such as keys, instruments of restraint, etc. Personnel selected for this post shall be carefully screened by the operations officer due to responsibilities and high demands associated with this billet.

u. Quarters Supervisor. Personnel assigned to supervise living quarters are responsible to the CDO/DBS for maintenance of good order and discipline, sanitation, and accountability and welfare of prisoners within their assigned living quarters.

202. WATCH BILLS. Assignments shall be rotated as to both post and hours of duty to provide cross training and to broaden the staff's perspective of the total confinement function. Frequency of such reassignments is a matter of discretion with the

applicable supervisor, but experience has shown that assignment periods of less than 3-6 months are ineffective.

203. COMBINED DUTIES. It is often necessary and expedient to assign two or more billet functions to one staff member. To preclude inappropriate grouping of such collateral tasks and to enhance the transferability of learned job skills from one brig to another, the CO or designee shall approve grouped tasks.

### **SECTION 3. SPECIAL DIRECTIVES FOR CORRECTIONAL STAFF**

301. POST ORDERS. Brig officer shall ensure there are up-to-date, written instructions containing policy and procedures for each post which shall be reviewed annually (with review documented) and updated as necessary. These post orders shall contain a clear, concise statement of the purpose, schedule, supervisory functions, security requirements, post equipment, and any other special features of the post. Staff members are required to read the post orders and be able to perform the functions of the appropriate post. Each time staff members assume a new post they shall sign and date the post order prior to assumption of that post to acknowledge they understand post requirements.

302. CODE OF ETHICS/GENERAL STANDARDS OF CONDUCT FOR STAFF. Each brig shall ensure all staff review and sign acknowledgement of code of ethics/general standards of conduct for staff prior to commencing their duties.

1. Code of Ethics. The naval corrections program follows ACA Code of Ethics which expects unfailing honesty, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. Staff shall adhere to the following principles:

a. Respect and protect the civil and legal rights of all individuals;

b. Treat every professional situation with concern for the welfare of the individuals involved and with no intent to personal gain;

c. Maintain relationships with colleagues to promote mutual respect within the profession and improve the quality of service;

- d. Not publicly criticize colleagues or agencies;
- e. Respect the importance of all disciplines within the criminal justice system and work to improve cooperation with each segment;
- f. Honor the public's right to information and share information with the public to the extent permitted by law and policy, subject to individuals' right to privacy;
- g. Respect and protect the right of the public to be safeguarded from criminal activity;
- h. Refrain from using their positions to secure personal privileges or advantages;
- i. Refrain from allowing personal interest to impair objectivity in the performance of duty while acting in an official capacity;
- j. Refrain from entering into any formal or informal activity or agreement which presents a conflict of interest or is inconsistent with the conscientious performance of duties;
- k. Refrain from accepting any gifts, services, or favors that is or appears to be improper or implies an obligation inconsistent with the free and objective exercise of professional duties;
- l. Clearly differentiate between personal views/statements and views/statements/positions made on behalf of the command;
- m. Report to appropriate authorities any corrupt or unethical behaviors in which there is sufficient evidence to justify review;
- n. Refrain from discriminating against any individual because of race, gender, creed, national origin, religious affiliation, age, disability, or any other type of prohibited discrimination;
- o. Preserve the integrity of private information; refrain from seeking information on individuals beyond that which is necessary to implement responsibilities and perform their duties;

refrain from revealing nonpublic information unless expressly authorized to do so;

p. Make all assignments, promotions, and removals per established Federal/military service rules, applicable contract agreements, and individual merit, rather than furtherance of personal interests; and

q. Respect, promote, and contribute to a work place that is safe, healthy, and free of harassment in any form.

2. Standards of Conduct. Generally, acting in conformance with requirements of the UCMJ, reference (b), and observance of constitutional rights of individuals is sufficient to establish proper staff/prisoner relationships. Aspects of staff behavior that are inappropriate or prohibited which merit special emphasis follow:

a. Per SECNAVINST 5300.26D, Department of the Navy (DON) Policy on Sexual Harassment, personal dignity of all individuals shall be observed. Any act or work which demeans, degrades, humiliates, or serves only to embarrass an individual is prohibited. Actions which are not specifically authorized by brig policy and which would likely have the effect of humiliating or embarrassing prisoners or otherwise demean them shall be avoided. Secretary of the Navy's policy shall be strictly followed and enforced at brigs in both letter and spirit;

b. Physical and verbal abuse, hazing, use of unnecessary force, imposing physical exercise as punishment, and any form of corporal punishment by a staff member;

c. Striking or laying hands upon prisoners, except in self-defense, to prevent serious injury to other persons, to prevent serious damage to property, to effect an authorized search, or to quell a disturbance. In such cases, the amount of force used shall be the minimum amount necessary to bring the situation under control;

d. Depriving normal rights (e.g., health care, food and water, use of head facilities, etc.) as punishment or discipline;

e. Buying, selling, trading, giving any item or service, accepting favors or personal services to or from prisoners,

former prisoners, member of their family, any person known to be associated with a prisoner, or permitting others to conduct such activities;

f. Extending privileges, favored assignments, or providing information to an individual prisoner which is not similarly available to all prisoners;

g. Fraternizing with or using official position to establish or maintain business/social relationships, which includes showing partiality toward, or becoming emotionally, physically, sexually, or financially involved with current or former prisoners or their families. Regardless of whether force/coercion is used or threatened, there is never such a thing as "consensual" sexual activity between staff and prisoners. This restriction shall not prohibit all contact, such as simple conversation between prisoners and staff members. Brig staff members are expected to treat prisoners humanely and as members of the military service in a subordinate position within the organization. Staff must inform the brig officer of contact with persons identified above and command approval is necessary for continued contact;

h. Releasing information on individual prisoners without proper authorization;

i. Seeking or revealing information on individuals beyond that which is necessary to perform their duties (including any nonpublic information) unless expressly authorized to do so;

j. Using profane, demeaning, indecent, or insulting language/gestures toward or in the presence of prisoners;

k. Engaging in activities that constitute a conflict of interest or give the appearance of a conflict of interest;

l. Using illegal drugs or narcotics or the abuse of any drug or narcotic at any time. Consuming alcoholic beverages within a minimum of 8 hours prior to reporting to duty or being under the influence of alcohol at any time while on duty;

m. Providing prisoners, directly or indirectly, with any material reasonably expected to cause injury or affect the security, safety, or good order of the brig (e.g., letters, pornographic materials, stamps, money, tobacco, tools, weapons, implements (such as metal or large plastic serving implements),

alcohol, drugs, photographic equipment, computer software (personal software brought in or government software taken out), recording devices, cell phones, pagers, etc.);

n. Introducing contraband within the security perimeter of the brig, or taking or attempting to remove there from, anything whatsoever without consent from the brig officer or designee. In this context, contraband is defined as any material that can reasonably be expected to cause physical injury or adversely affect the security, safety, or good order of the brig. Contraband includes, but is not limited to:

- Letters
- Stamps
- Tools
- Weapons
- Unauthorized writing materials
- Messages to prisoners
- Implements (culinary)
- Instruments (medical or hygiene)
- Alcoholic beverages
- Drugs/dietary supplements/medicines (prescription, non-prescription)
- Electronics (e.g., cameras, cell phones, iPods, recording devices)
- Flammable, toxic, and caustic substances
- Pornographic materials
- Razors or razorblades
- Tobacco or tobacco products
- Glass containers
- Extra clothing (excludes jackets, coats)
- Computer software/hardware (personal brought in or government taken out); and

o. Wearing clothing and or footwear of a style/fit that would interfere with an emergency response within a brig or that would otherwise interfere with required duties or jeopardize personal safety/security.

3. Appropriate aspects of behavior for which brig staff bear responsibility that merit special emphasis are as follows:

a. Maintaining security of the brig and the safe custody of the prisoners;

b. Presenting an appropriate professional appearance and bearing at all times;

c. Maintaining a professional, firm, fair and impartial manner toward prisoners at all times. Staff shall respect, promote, and contribute to a work place in a manner that is safe, healthy, and free of harassment in any form; and

d. Wearing required security equipment per Service regulations.

4. Military and civilian brig staff seeking employment outside the brig must bring this to the attention of the brig officer. Outside employment, including self-employment, must not result in, or create the appearance of, a conflict of interest with official duties or tend to impair the employee's mental or physical capacity to perform official duties and responsibilities.

5. Staff shall immediately report to their chain of command (or appropriate authorities) any violation or apparent violation of these standards.

303. PHYSICAL ABUSE/SEXUAL ASSAULT/SEXUAL MISCONDUCT/MALTREATMENT CHARGE. The brig CO shall immediately review known circumstances of the allegations and initiate a preliminary inquiry/investigation, as warranted. In addition, a determination shall be made on whether or not the duty assignment of the accused staff member shall be altered pending resolution of the allegations.

304. URINALYSIS TESTING. Policy for urinalysis testing in brigs for staff and prisoners shall be implemented as provided in OPNAVINST 5350.4D, Navy Alcohol and Drug Abuse Prevention and Control, MCO P1700.24B, Marine Corps Personal Services Manual, or applicable civilian personnel regulations.

#### **SECTION 4. STAFF TRAINING**

##### 401. PRE-SERVICE TRAINING

1. After successful completion of formal correctional training, all personnel shall undergo pre-service training which is conducted at the brig and precedes assumption of duties. All full-time permanent personnel assigned duties within the brig shall attend pre-service training regardless of billet

assignment. It shall be designed so that a successful participant could, with specialized training, fill any appropriate staff position. All new full-time brig staff shall complete a formalized 40-hour pre-service training program before undertaking their assignments. At a minimum, the program shall include instruction in the following:

- a. Purpose, goals, policies, and procedures of the brig and parent command;
- b. Security and contraband regulations;
- c. Key control;
- d. Appropriate conduct with prisoners;
- e. Responsibilities and rights of staff members;
- f. Universal precautions (avoiding contact with bodily fluids);
- g. Occupational exposure (potentially harmful, chemical, physical, or biological agents);
- h. Personal protective equipment;
- i. Bio-hazardous waste disposal; and
- j. Overview of corrections.

2. Staff shall complete the job qualification requirements that outline specific post requirements and responsibilities of a corrections specialist prior to unsupervised assumption of duties.

3. All pre-service training shall be documented in such a manner as to permit verification of attendees, specific curriculum completed, and date and length of training.

#### 4. Civilian Personnel

a. Civilians assigned to level II/III brigs who have routine contact with prisoners shall complete formal correctional school training or the Brig Officer Management Seminar during their first 6-9 months of employment.

b. Full or partial waivers may be granted based on type/length of corrections or related experience. Waiver requests for highly experienced personnel shall be forwarded to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) as applicable, via the chain of command.

5. Part-time Staff and Contract/Volunteer Personnel. All part-time staff and contract/volunteer personnel shall receive formal orientation appropriate to their assignments and additional training as needed.

402. FIRST YEAR TRAINING. Additional training requirements to pre-service training shall be met at level II/III brig.

1. Operational and Quarters Staff. All new operational and quarters staff shall receive 120 hours of additional training during their first year of employment and 40 hours of training each year thereafter. At a minimum, this training covers security and safety procedures, emergency and fire procedures, supervision of offenders, suicide intervention/prevention, use of force, prisoner rights, key control, interpersonal relations, communication skills, standards of conduct, cultural awareness, sexual abuse/assault intervention, and code of ethics. Additional topics may be added at the discretion of the brig officer.

2. Administrative/Healthcare/Managerial/Professional Specialists/Support Staff. All new administrative/healthcare/managerial/professional specialists/support staff members who have regular prisoner contact shall receive 40 hours of additional training in their first year, in addition to orientation training, and 40 hours of training each year thereafter, in areas relevant to their position.

3. Clerical/Support Staff. All new clerical/support staff members who have minimal prisoner contact shall receive 16 hours of additional training, in addition to orientation training, in their first year and 16 hours of training each year thereafter, in areas relevant to their position.

403. IN-SERVICE TRAINING

1. In-service training is designed to keep all staff members (military, civilian, and contractors) abreast of changes in policy and operations and to maintain and improve proficiency in

confinement skills. Each brig shall conduct regularly scheduled in-service training so that a complete cycle of subject matter is completed within 1 year. All staff and support personnel with regular or daily contact with prisoners, regardless of billet assignment, shall be required to attend this training and demonstrate proficiency in the subject matter by the successful outcome of a test or demonstration as determined by the training officer. In-service training shall be a minimum of 40 hours per fiscal year and, at a minimum, shall include the following subjects for all full-time permanent personnel:

- a. Goals/philosophy of the corrections program, prisoner rights, official policies, staff rules of conduct, code of ethics, and military model of navy corrections;
- b. Reception/pre-release phases of confinement;
- c. Searches, seizures, shakedowns, contraband, and use of force/restraints;
- d. Correctional programs, legal status, custody classification, incentives and privileges, and boards;
- e. Supervision of prisoners, prisoner rules and regulations, staff attitudes, mail and visiting procedures, confidentiality and release of information restrictions, and count procedures;
- f. Problem/special handling prisoners;
- g. Inspections;
- h. Emergency plans;
- i. Administrative disciplinary process;
- j. Firearms and chemical agents;
- k. First aid, CPR, and communicable diseases and blood-borne pathogens (universal precautions);
- l. Escort training and transfer procedures;
- m. Victim Witness Assistance/Sex Offender Notification/DNA collection;

- n. Hazardous material/hazardous waste;
- o. Unarmed self-defense;
- p. Physical abuse/sexual assault/sexual misconduct/maltreatment;
- q. Sexual assault reporting (restricted and unrestricted);
- r. Mixed-gender supervision;
- s. Stress management;
- t. Forms and reports;
- u. Communication skills;
- v. Key/tool control;
- w. Good conduct time, earned time, special acts abatement;
- x. Mail and visitation; and
- y. Corrections Management Information System.

2. All in-service training shall be documented similar to pre-service training (see paragraph 401.3).

404. INTER-SERVICE TRAINING

1. When available, appropriate correctional training may be obtained from another military Service. When members of other military Services are assigned to naval brigs, they shall fully participate in the prescribed confinement training program for that brig.

2. Ashore brig staff shall provide training and other support to personnel operating afloat brigs when feasible and requested.

405. PROFESSIONAL DEVELOPMENT. It is encouraged that brig staff continue their education and have access to correctional meetings, seminars, and workshops. Training opportunities may be offered by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections), Department of Justice, Federal Bureau of Prisons, National Institute of Corrections, ACA, American Jail Association (AJA),

and many State and local correctional agencies. Staff members are encouraged to seek professional certifications via the ACA, AJA, or other professional organizations.

406. STAFF LIBRARY. An important aspect of professional development of staff members is the ready access to current literature in the field. This access is best accomplished by establishing a staff library under the purview of the training supervisor. Books, professional journals, and multi-media materials may be purchased by the brig and supplemented by the installation or regional library.

# NAVAL CORRECTIONS MANUAL

## ARTICLE 1640-040

### CONTROL, SECURITY, EMERGENCIES

<b>Responsible Office</b>	NAVPERSCOM (PERS-00D)	Phone:	DSN	882-4444
			COM	(901) 874-4444
			FAX	882-2626

<b>References</b>	(a) DoD Instruction 1325.7 of 17 Jul 2001 (b) SECNAVINST 1640.9C (c) U.S. Navy Regulations
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#### **SECTION 1. PRISONER ACCOUNTABILITY SYSTEM**

##### 101. MASTER CONTROL CENTER FUNCTION

1. Control center is the focal point for all brig security and control operations and shall be an impenetrable nerve center of the brig. Control center coordinates internal and perimeter security. It is here that all prisoner movements are directed, controlled, and accounted for; that all keys are controlled and accounted for; where the entry and exit of all prisoners, staff, and visitors are controlled; and where emergency equipment is stored. The main electronic security and control and communication systems, both regular and emergency, are located in the master control center. The control center shall not be the centralized telephone answering service for the brig during normal daytime working hours. Master count records are maintained in the control center and the reports of daily counts are prepared and verified there.

2. Control center shall be manned at all times and its security integrity maintained. Access to the control center shall be restricted to authorized personnel designated in writing by the brig officer. Prisoners shall not be allowed access to control center under any circumstances.

##### 102. CONTROL CENTER ACCOUNTABILITY SYSTEMS

1. Certain basic information must be maintained and controlled to ensure adequate accountability of prisoners at all times. The

system that ensures accountability shall be controlled by and maintained in the control center. The extent of this system shall be tailored to meet local needs. Many required forms and reports, required per reference (a) and (b), can be accessed and generated on the Corrections Management Information System (CORMIS). CORMIS is a key accountability system utilized by control center staff.

## 2. Accountability System Elements

a. DD 2707 Confinement Order. Confinement orders shall be delivered to the control center by the receiving and release supervisor immediately upon receipt of new prisoners. Control center supervisor shall make necessary adjustments to the control center count records and forward the confinement order to the administrative supervisor by the next workday for inclusion in the prisoner's individual confinement record.

b. Prisoner Identification Badge. The prisoner's identification badge is created by receiving and release. The control center's copy of prisoner identification badge shall be maintained in alphabetical order in a visible or readily visible file in the control center. New badges shall be added only when new confinement orders are received and those on file shall be removed from the master file only upon receipt of an executed DD 2718 Inmate Release Order. At this time, both shall be forwarded to the supervisor responsible for records management for inclusion in the prisoner's individual confinement record.

c. Quarters Assignment Record. This record shall follow the living quarters configuration of the brig and show where each prisoner is specifically assigned (rack/cell).

d. Work Assignment Record. This record is established to accommodate local work assignments for quick verification of work detail and location of the prisoner.

e. Out Count Record. This record shall be maintained in the control center. Format may be a wall chart or a log which, at a minimum, has the prisoner's name, status, destination, and departure time.

f. Daily Change Sheet. At a minimum, a listing of all authorized changes of status, custody, program, billeting, and

work assignment shall be prepared daily. This sheet shall be authenticated by signature of the brig officer and distributed to applicable posts.

g. Daily Appointment Sheet. A daily appointment sheet shall list all authorized prisoner appointments for the following workday (e.g., medical appointments, legal appointments, military personnel appointments, chaplain interviews, etc.). This sheet is generated by CORMIS from data previously entered.

h. DD 2718 Inmate's Release Order. Executed release orders shall be delivered to the master control center for verification of log entries and updating the count log.

i. Brig Log. Brig log is the permanent daily/historical record of the operation of the brig. It shall be maintained in the control center and reviewed and countersigned by the command duty officer/duty brig supervisor (CDO/DBS) at the conclusion of each shift. An accurate running count shall be included in this log. Where authorized by NAVPERSCOM (PERS-00D) and CMC (PSL Corrections), an electronic brig log may be maintained.

### 103. COUNTS

1. A minimum of three scheduled prisoner counts shall be made daily (reveille, end of workday, and taps). More frequent counts may be required depending on prisoner population and physical characteristics of the brig; however, frequency of the counts shall not unduly interfere with normal workday activity. In addition to scheduled counts, work supervisors and quarters supervisors shall be required to make irregular but frequent checks of all prisoners under their supervision. There must be periodic bed checks of all prisoners during the night; however, prisoners shall not be awakened for this purpose. Routine counts shall be scheduled at times which shall not interfere with work, training, sleep, or recreation schedules. Results and times of all counts (i.e., scheduled, emergency, or others directed by local policy) shall be entered in the brig log.

2. Brig officers shall develop and publish, as well as train staff to, count procedures that take into account the following:

a. A 5-minute warning shall be announced to alert supervisors to halt prisoner movement;

b. All movement gates shall be secured during the count and shall not be opened until the count is cleared. Prisoners shall remain standing during count. To ensure uniformity of procedures, prisoners shall be assembled as follows:

(1) In Single Cell/Special Quarters. Prisoners shall stand in their cell facing the door with the door shut and locked;

(2) In Open Bay Quarters. Prisoners shall stand at the aisle end of their berth. Two staff members shall conduct the count; one staff member shall observe all prisoners while the other makes the count. This is to ensure no prisoner movements/substitutions are made resulting in double counting. Only exceptions to standing at "parade rest" during count shall be those prisoners who have a medical restriction and are in quarters and those few prisoners who may be assigned to night work and the count occurs during their normal period for sleep; and

(3) Outside of Living Quarters. Those prisoners outside of their quarters shall be assembled in a highly visible, well organized manner while they are being counted;

c. As soon as the supervisor has an accurate count, it shall be reported to the control center supervisor to verify the total brig count;

d. In the event of a miscount, a re-count shall be performed as stated above. A second miscount shall cause the CDO/DBS to call for a picture count from each supervisor conducting the count using the prisoner identification badge. In the event the picture count finds a prisoner(s) missing, escape response provisions shall be initiated;

e. Under no circumstances shall prisoners assist staff with count procedures;

f. Emergency counts shall be conducted whenever deemed necessary; and

g. The control center shall verify, by telephone, the presence of all overnight temporary absences (TAs) during regularly scheduled counts. For hospitalized prisoners see article 1640-070, paragraph 201.2.

104. PRISONER MOVEMENT

1. Activities and movements of prisoners must be controlled. Movements must be orderly, punctual, and well supervised. Military formations and procedures are excellent control measures and shall be utilized whenever feasible.

2. Prisoner passes or electronic prisoner tracking systems (e.g., biometric) shall be used in briggs to control unescorted prisoner movements (exceptions may be made for installation custody prisoners). Either system shall be used for special purposes which require prisoners to leave their regular details. Strict control of either system must be maintained. All staff and prisoners must be instructed in the operation of the brig prisoner movement system and procedures.

3. In lieu of an Armed Forces Identification Card, installation custody prisoners shall carry a DD 512 Installation Parolee/Minimum Custody Agreement, describing their status and limits of movement.

105. SALLY PORT OPERATIONS

1. A sally port is basic to the secure operation of any brig. Used properly, it affords security and control over entry to and exit from the brig.

2. The following procedures shall be followed in sally port operations:

a. Provisions shall be made to prevent two doors/gates from being inadvertently opened at the same time;

b. If sally port doors/gates are electrically operated, the controls shall be located inside the control center or within a secure post which has an unobstructed view of the sally port;

c. If the sally port is used primarily for vehicles, it shall be constructed so the largest vehicle entering can be contained within it with both gates closed. Ensure that any prisoners accompanying a vehicle have been properly logged out of the brig by the control center supervisor. All vehicles entering and exiting a sally port shall be searched; and

d. Other staff members may assist in searching prisoners and vehicles, but the ultimate responsibility for ensuring that no contraband or unauthorized prisoners pass through the sally port rests with the supervisor of the sally port post.

**SECTION 2. PRISONER CUSTODY CLASSIFICATIONS PURPOSE AND DEFINITIONS**

201. PURPOSE. Custody classifications establish the degree of supervision and restraint needed for control of individual prisoners. Custody classification allows for and also supports graduated release through a systematic decrease in supervision and corresponding increase in prisoner responsibility as part of the classification program. Custody classifications provide guidance for supervision of prisoners and permit establishment of security measures consistent with requirements of the individual. Among prisoners there are wide variations in personality and mentality. Where there is fair and impartial treatment, prisoners generally present no serious disciplinary problems. There are some prisoners, however, who are deliberately uncooperative. Some have personality difficulties which make them chronic sources of trouble, such as the highly aggressive person or those acutely depressed. Efforts must be made to identify all special cases and control measures instituted to ensure the safe and orderly administration of the brig. An objective-based custody classification process which addresses the characteristics of the prisoners shall be used per references (a) and (b); the CORMIS, which incorporates the classification process, shall be employed.

202. CUSTODY CLASSIFICATIONS DEFINITIONS. Every prisoner shall be assigned a custody classification.

1. Maximum Custody (MAX). Prisoners requiring special custodial supervision because of the high probability of escape, are potentially dangerous or violent, or whose escape would cause concern of a threat to life, property, or national security. Ordinarily, only a small percentage of prisoners shall be classified as MAX.

a. Supervision. When inside cell, observation checks by brig staff shall be at irregular intervals not to exceed 15 minutes. A DD 509 Inspection Record of Prisoner in Segregation, shall be posted outside the cell door and appropriate entries made at least every 15 minutes. Two or more staff members shall

be present when MAX prisoners are out of their cells and supervision shall be immediate (e.g., near at hand/close proximity) and continuous (e.g., without loss or interval of time).

b. Work. MAX prisoners shall not normally be assigned to work details outside of their cell and never external to the special quarters.

c. Quarters. MAX prisoners shall be assigned to special quarters.

d. Restraints and Escorts

(1) MAX prisoners shall wear restraints at all times when outside special quarters and also be escorted by at least two escorts (brig staff or certified escorts) at all times. Exceptions may only be made for exigent circumstances, on a case-by-case basis, by the brig officer or designee (senior security personnel).

(2) MAX prisoners shall wear "full restraints" at all times when outside the security perimeter of the brig and be escorted by at least two escorts (brig staff or certified escorts) at all times. Exceptions may only be made for exigent circumstances, on a case-by-case basis, by the brig officer or designee (senior security personnel).

2. Medium Custody In (MDI). Prisoners who present security risks not warranting MAX, though not normally regarded as dangerous or violent.

a. Supervision. Shall be continuous within the security perimeter and immediate and continuous when outside the security perimeter.

b. Work. MDI prisoners shall not be assigned to work outside the security perimeter.

c. Quarters. MDI prisoners shall normally be assigned to open bay/single cell quarters.

d. Restraints and Escorts

(1) MDI prisoners shall not normally wear restraints inside the security perimeter. Any MDI prisoner required to wear restraints inside the security perimeter shall be assigned to special quarters.

(2) MDI prisoners shall be escorted by at least two brig staff or certified escorts at all times outside the security perimeter. When transporting multiple MDI prisoners, the brig officer or designee may direct only one escort be required for each additional MDI prisoner. Restraint requirement exceptions may only be made for exigent circumstances, on a case-by-case basis, by the brig officer or designee (senior security personnel).

3. Medium Custody Out (MDO). Prisoners who present security risks not warranting MDI.

a. Supervision. Shall be continuous within the security perimeter and immediate and continuous when outside the security perimeter.

b. Work. MDO prisoners may be assigned to work inside or outside the security perimeter.

c. Quarters. MDO prisoners shall normally be assigned to open bay/single cell quarters.

d. Restraints and Escorts

(1) MDO prisoners are not required to wear restraints while inside or outside the security perimeter.

(2) MDO prisoners require at least one escort when outside the security perimeter. Working party and other escort ratios shall be determined by the brig officer or designee when escorted by brig staff. Escort ratios for unit escorts shall be no less than one escort per five MDOs.

4. Minimum Custody (MIN). Prisoners who present security risks not warranting the above classifications.

a. Supervision. Shall be occasional (periodic, situational dependent, and accountable as necessary by supervisory staff) within the security perimeter and under continuous observation when outside the security perimeter.

b. Work. MIN prisoners are normally assigned work outside the security perimeter.

c. Quarters. MIN prisoners shall normally be assigned to open bay/single cell quarters.

d. Restraints and Escorts

(1) MIN prisoners are not required to wear restraints while inside or outside the security perimeter.

(2) MIN prisoners shall require at least one escort when outside the security perimeter. Working party and other escort ratios shall be determined by the brig officer or designee when escorted by brig staff. Escort ratios for unit escorts shall be no less than one escort per 10 MIN prisoners.

5. Installation Custody (IC). Prisoners who present minimal security risks not warranting the above classifications.

a. Supervision. Require only limited supervision. They may work and move about much the same as individuals a in normal duty status.

b. Work. IC prisoners are normally assigned work outside the security perimeter.

c. Quarters. IC prisoners normally shall be assigned to open bay/single cell quarters but may be berthed outside the security perimeter.

d. Restraints and Escorts

(1) IC prisoners are not required to wear restraints while inside or outside the security perimeter.

(2) IC prisoners normally shall not require escorts when outside the security perimeter.

e. Criteria

(1) Have completed at least one half of the confinement adjudged, or the convening authority has taken action, whichever occurs first.

(2) Are not more than 12 months from minimum release date.

(3) Have not been removed previously from this custody for cause.

(4) IC prisoners must sign a DD 512 Installation Parolee/Minimum Custody Agreement, and carry it with them at all times outside the brig. A locally prepared agreement listing the limitations on movement outside the brig shall be agreed to and signed by IC prisoners and countersigned by the brig commanding officer (CO). The DD 512 shall be turned in and checked out from the control center supervisor as required. Assignments shall depend on ability to handle responsibility and, whenever possible, be commensurate to individual's training, skill, needs of the Service, and potential training value to the prisoner. Maximum use of IC status is encouraged.

f. Additional Privileges. Additional privileges such as attending the installation theater, library, sports events, similar activities, and messing sequence may be authorized by the brig CO.

6. An additional "R" identifier for "restricted" status may be added to the custody classification designation. The "R" designation is for those prisoners who fully meet the requirements of MDO, MIN, or IC custody but due to additional factors should be restricted to working parties under brig staff supervision. (Examples are: sexual offenders who are not in treatment so the risk level to community remains unacceptable except under brig staff supervision; drug offenders who are from the local area and their former drug contacts may remain; individuals who may have a no-contact or other restriction with a family member or other working on base; etc.)

### 203. CLASSIFICATION CRITERIA

1. All new prisoners, except those specifically deemed to be serious management problems (MAX), shall be assigned MDI custody during the reception phase. Pre-trial prisoners shall not be assigned a MDO, MIN, or IC custody.

2. Ultra-conservative custody classification results in a waste of prisoner and staff manpower. A large number of MAX and MDI prisoners reduce the number of staff available for supervision of

the kinds of productive work available to reduced custody levels (IC, MIN, MDO). Classification systems must follow established but flexible procedures.

3. Prisoners shall be placed in a reduced custody classification as soon as possible and as warranted; it is not required to reduce custody classification in sequence (e.g., MDI to MIN).

4. Override of the Objective-based Screening Decision

a. Below factors, though not all inclusive, are considered in assessing increased custody classification (MAX/MDI):

- (1) Assaultive behavior;
- (2) Disruptive behavior;
- (3) Serious drug abuse;
- (4) Serious civil/military criminal record (convicted or alleged);
- (5) Low tolerance of frustration;
- (6) Intensive acting out;
- (7) History of previous escape(s);
- (8) Pending civil charges/detainer filed;
- (9) Serving a sentence which the individual considers to be unjust or severe;
- (10) Poor home conditions or family relationships;
- (11) Emotional or mental instability;
- (12) Indication of unwillingness to accept responsibility for personal actions past and present;
- (13) Demonstrated pattern of poor judgment;
- (14) Length, or potential length, of sentence;

(15) Gang affiliation or ties with disruptive organizations;

(16) Awaiting transfer to another confinement facility;  
and

(17) Refusal to accept/participate in recommended treatment programs.

b. Below factors, though not all inclusive, are considered in assessing reduced custody classification (MDO, MIN, or IC):

(1) Clear military record, aside from present offense;

(2) Close family ties; good home conditions;

(3) The offense(s) charged is not serious;

(4) Emotional and mental stability;

(5) Wishes to return to duty;

(6) Comparatively short sentence to confinement; however, length of sentence shall not be an overriding factor;

(7) Behavior during a previous confinement; and

(8) Successful completion of, or active participation in, offence-related treatment programs or groups.

5. It must be understood the factors mentioned above are only indicators, not ironclad rules; therefore, the brig officer shall consider objective-based overrides where applicable. An evaluation of all phases of the prisoner's performance shall be made prior to each custody change. By following the criteria and concepts outlined above, the brig officer shall be able to make more efficient use of staff and provide an atmosphere in which rehabilitative efforts are more effective. At pre-trial confinement facility (PCF) overrides shall be approved by the brig CO.

6. Adult Internal Management System (AIMS). Under AIMS, also known as the "Quay" classification system, prisoners with like personalities (Alfa, Beta, Gamma) background, and behavior patterns are separated by quarters assignment and sometimes in

programmatic (e.g., recreation/ work) areas. Prisoners separated by this system cause fewer management problems and coexist with greater harmony than in mixed settings. AIMS classification is applicable only to male prisoners and separates them into three primary groups. AIMS is not used for custody or incentive determination. Use of AIMS in Navy post-trial brig is required. Each classification and assignment board or unit board shall consider a prisoner's AIMS classification in assignment of quarters, program, and work. AIMS is integrated within CORMIS.

#### 204. EVALUATION OF PRISONERS

1. An evaluation process of prisoners is a critical component of the naval corrections program. Factual information concerning prisoners, such as home and community background, education, Service adjustment, attitudes, offense and circumstances, sentence, and any other pertinent information shall be assembled early in their confinement. Through observation and evaluation reports, staff contacts, and recommendations of senior brig staff, behavior patterns of prisoners can be developed for use in determining their response to the corrections program. This in turn shall indicate possible program changes.

2. The receiving and release supervisor shall ensure that a DD 2710 Inmate Background Summary, is commenced on each prisoner as part of the admission process. It shall be reviewed by the command duty officer/duty brig supervisor (CDO/DBS) and forwarded to correctional counseling staff for use in developing a summary admission report. The DD 2710 shall be completed during orientation. It shall be reviewed by the CDO/DBS and forwarded to correctional counseling staff.

3. All members supervising prisoners shall be responsible for evaluating prisoners in their charge and shall submit periodic written reports on their performance. This must be done on a scheduled basis, preferably weekly, to show levels of performance on a continuing basis. The evaluation shall be submitted on a DD 2712 Inmate Work and Training Evaluation.

a. Each report shall describe prisoner's attitude, work and program performance, overall performance, ability to get along with others, problems known to the supervisor, and any recommended custody or program changes.

b. Supplemental reports shall be submitted when a prisoner demonstrates behavior which is out of the ordinary, either good or bad.

4. A prisoner program plan shall be developed with each post-trial prisoner to identify and prioritize all required and recommended correctional programs. It shall serve as the central source for documenting program progress and completion. The prisoner program plan should take in account the prisoner's sentence length, confining offense(s), needs, and program sequence.

5. Each staff member has responsibility for communicating information concerning prisoners to the proper authority in the brig. Behavior and attitude of the prisoner in living quarters, at work, in recreation, and in a classroom shall provide a good overall indicator of problem areas and adjustment progress. Continuous documented staff evaluation of each prisoner cannot be overemphasized.

6. CLASSIFICATION AND ASSIGNMENT (C&A) BOARD. The C&A board shall establish an individual prisoner's custody classification using objective-based classification/reclassification procedures. When the C&A board convenes to develop recommendations concerning prisoner classification and assignment, it shall be composed of the brig officer, or designated representative, and members from varying departments of the brig as appointed in writing by the brig officer. At a minimum, the C&A board shall be comprised of a chairperson and no less than two additional members for a PCF/level I brig and three additional members for level II/III brigs to ensure a multi-disciplinary perspective. See article 1640-060, paragraph 104.1 of this manual for program functions of the C&A board.

7. UNIT TEAM. Naval consolidated brigs utilize unit team management principles in the operation of identifiable housing units. These unit teams are often established within the prisoner management department and oversee prisoner plans and programs, classification, incentives, and counseling on a routine basis. When minor punishments are awarded to prisoners by unit teams, all such actions are forwarded to the brig officer for final approval. Much of the programming listed in article 1640-060 will be managed and delivered by the unit team.

**SECTION 3. QUARTERS**301. GENERAL POPULATION QUARTERS

1. To the largest extent that design and staffing allow, newly confined prisoners generally shall be housed in an orientation quarters, that may include special quarters, and administered separately from post-orientation prisoners. During reception processing and orientation, prisoners shall be objectively evaluated and a custody classification assigned prior to transfer to the general population. Upon completion of orientation prisoners may be housed in post-orientation quarters.

2. The majority of prisoners within the brig are housed in general population quarters. Although preferred, there is no specific requirement that prisoners of different legal status (pre-trial, adjudged, or sentenced) be housed separately. However, separation of pre-trial and post-trial prisoner shall be effected to the greatest extent possible (even if only within the same living quarters). Separation of prisoners shall be by custody and or AIMS classification. In some brig, practicality dictates commingling of prisoners in the same quarters; however, every effort shall be made to maintain separate berthing where possible.

302. SPECIAL QUARTERS

1. Purpose. Some prisoners require additional supervision and attention (e.g., emotional or mental instability, medical, disciplinary, investigative, protective custody, potential for violence, risk of suicide, escape risk, etc.). In order to preserve good order and discipline, the brig officer or designee may authorize special quarters for such prisoners.

2. Definitions of Segregation Categories

a. Administrative Segregation (AS). A form of separation from the general population when the presence of the prisoner in general population poses serious threat to life, property, self, staff, or other prisoners or to the good order and discipline of the brig. Prisoners pending investigation or pending transfer may be included. This segregation may be for relatively extensive periods of time.

b. Disciplinary Segregation (DS). A form of separation from the general population directed by the approving authority after due process, in which prisoners committing violations of conduct, considered serious from an institutional standpoint, are housed within special quarters.

c. Protective Custody (PC). A form of separation from the general population for prisoners requesting or requiring protection from other prisoners for reasons of health and safety.

### 3. Segregation Categories

a. a. Administrative Segregation (AS). Statuses of this category include, but are not limited to; medical, suicide risk, escape risk, prevention of injury/close observation/precautions, pending investigation, loss of privileges (where necessary), potentially violent and dangerous, and awaiting transfer/transport. Statuses not necessarily requiring segregation in special quarters may include medical segregation and pending investigation. Assignment to and removal from AS is authorized by the brig officer or designee.

b. Disciplinary Segregation (DS). Status of this category is limited to the parameters defined in the above definitions (2b). Assignment to and removal from DS is authorized by the approving authority.

c. Protective Custody (PC). Admission to PC, to include rational, shall be fully documented with a consent form signed by the prisoner. Assignment to and removal from PC is authorized by the brig officer or designee.

### 4. Procedures

a. Being assigned special quarters is not a punitive measure, except for DS, and shall not be used as such. Prisoners must be aware of the reason they are assigned special quarters and acknowledge in writing the limitations of their assigned status. All authorized special handling instructions that impact prisoners on AS shall be annotated on a supplemental form/special handling letter.

b. All prisoners in special quarters shall be under continual supervision. They shall be sighted at least once every 15 minutes by a staff member and shall be visited daily by the

brig officer or designee, daily visits from a qualified health care official (unless medical attention is needed more frequently), and visits from members of the program staff upon request. In addition, it is highly desirable that prisoners in special quarters be visited daily by a chaplain. The DD 509 Inspection Record of Prisoner in Segregation, shall be used to document each sighting of and visit to any segregated prisoner. Documentation of visits shall include date, time, name of visitor, and any appropriate remarks.

#### 5. Suicide Risk

a. Prisoners who are considered to be suicidal shall be immediately referred to the medical department/clinical services/mental health department for further evaluation and appropriate action, which may include hospitalization. NAVMEDCOMINST 6320.11 and 6520.1A provide guidelines in those cases involving emergencies, specialized treatment or evaluation, or psychiatric treatment that cannot be deferred.

b. Such prisoners are normally hospitalized but, if not, the prisoner shall be placed in the status of "suicide risk" for continuous observation.

c. Suicide risk prisoners shall be under "continuous observation". In-cell closed circuit television that provides dedicated continuous observation may be used to satisfy the observation requirement. In either observation situation (e.g., direct physical presence or direct viewing of camera), the observation shall be by a staff member and considered a primary duty. For documentation purposes, a logbook shall be maintained by the staff observer (date, observer, time the observer took over and ended the shift/observation to include relief, behavioral remarks as applicable). Annotation on the prisoner's DD 509 is unnecessary as the observation is continuous and annotated within the log. Supplemental (physical) sighting of and visit to suicide risk prisoners shall be officially recorded on the DD 509 and include date, time, name of visitor, and any appropriate remarks.

d. At level II/III brigs, a suicide watch companion program is authorized and may be implemented per guidance and procedures identified in article 1640-120 of this manual.

e. The brig officer or designee may direct removal of prisoner's clothing and replacement with a suicide protection smock or privacy gown, or approved suicide blanket when deemed necessary.

f. When no longer considered to be a suicide risk by medical officers, psychiatrists, doctoral-level clinical psychologists or doctoral-level clinical social workers with clinical practice privileges, prisoners shall be returned to appropriate quarters.

#### 6. Review of Segregated Prisoners

a. 72-Hour Review. The status of each prisoner placed in segregation (AS and PC) shall be reviewed by the brig officer or designee within 72 hours of assignment of the segregation status.

b. 7-Day Review. A review of the status for prisoners in AS and PC by the C&A board or other authorized staff group is conducted every 7 days for the first 2 months and at least every 30 days thereafter.

#### c. 30-Day Review

(1) AS/PC/DS. A credentialed mental health provider must personally interview and provide a written report on any prisoner remaining in special quarters over 30 days. If segregation continues beyond 30 days, a credentialed mental health provider shall make an assessment at least every 3 months, or more frequently if prescribed by the brig medical officer/psychiatrist/clinical services director. Prisoners in special quarters may develop symptoms of acute anxiety or other mental problems; regular psychological assessment helps ensure the mental health of anyone segregated over 30 days.

(2) DS. A review of the status for prisoners in DS for more than 30 days shall be reviewed and approved by the CO. If a prisoner is in DS over 60 days, he/she shall be provided the same program services and privileges as prisoners in AS and PC (security/safety concerns permitting).

(3) Any prisoner segregated over 30 days shall have the opportunity to visit with a legal officer.

**SECTION 4. SECURITY SYSTEMS**401. RESPONSIBILITIES FOR SECURITY

1. An effective system of security, custody, and control shall be established in each brig. Every staff member must be aware that custody and security do not stand alone but are interdependent with all other portions of the operation. Each staff member is responsible for security, custody, and control, regardless of duty assignment.

2. Fixed posts shall be maintained to ensure that all traffic is channeled with authorized access permitted to enter or leave only upon suitable identification and inspection. Use of armed staff within the security perimeter is not authorized. When necessary to post staff external to the security perimeter, staff shall be located in a manor to ensure an unobstructed view of the observation area.

3. Security measures inside the brig are the day-to-day control and supervision procedures designed to facilitate the movement of prisoners, to assure control of their whereabouts, to guard against violation of rules, and to promote good order and discipline. Posts must be established at key points such as in quarters and at entrances to work and recreation areas to afford control and supervision. Provisions must also be made for supervision during meals and other activities.

4. Persons not assigned to duty at the brig shall not be allowed to enter the area except on official business or as authorized visitors. Authorized visitors shall be required to wear a visitor's badge on the front of their outside garment, above the waist.

402. CONTRABAND AND SEARCHES1. Contraband

a. Contraband is anything not specifically authorized by proper authority to be in a prisoner's possession. Contraband items can be controlled through close supervision and frequent searches. Unscheduled searches of prisoners, cells, visiting rooms, recreation areas, library, heads, galley, mess halls, work areas, vehicles, deliveries, shipments, etc., are essential.

Personal property and items of clothing that accompany new prisoners must also be closely searched to prevent the introduction of contraband.

b. Staff shall be provided sufficient furnishings, implements and materials to conduct their duties. Introduction of unnecessary items into the secure area of the brig shall be strictly limited. Staff brief cases/purses/carrying bags, offices and work areas are subject to search along with all other areas of the brig where prisoners may access for any reason. Regular and random searches of brig staff should be routinely scheduled by the operations officer.

c. When contraband is discovered, a written report must be made listing the items and covering precisely the circumstances of discovery. The contraband items along with the report shall be submitted to appropriate staff per local policy. It is essential that a strict chain of custody be maintained of any evidence which may be used in disciplinary action. OPNAV 5527/22 Evidence/Property Custody Receipt, shall be used.

2. Searches. Prisoners shall be instructed that their persons, quarters, and work areas are subject to search at any time while confined. There are two types of searches; of a person, and of an area. Searches are conducted only as necessary to control contraband or recover missing or stolen property; use of non-intensive methods (scanners) or other techniques instead of body searches should be used whenever feasible. Where random frisk or area searches are authorized, an objective-based method shall be used; on-the-spot selection by staff is not an acceptable method. Random strip searches are not authorized. Searches are described below and shall be used as the situation requires.

a. Search of the Person. Searches shall be conducted and observed by staff members of the same sex as the prisoner, absent extreme emergency.

(1) Frisk Search. The prisoner's body, clothing, and possessions shall be searched by the staff member. Requirements for prisoners to assume exaggerated positions are not necessary. Unnecessary force is prohibited. A quick, careless search is useless. Random frisk searches usually prove adequate in controlling contraband. Care must be taken not to establish a predictable pattern in conducting these searches.

(2) Strip Search. A strip search shall be conducted on prisoners being new confined, transferred, or initially assigned to special quarters. A strip search after initial confinement may be conducted only when there is reasonable belief that the prisoner may be in possession of an item of contraband, or a good opportunity for concealment of contraband has occurred (e.g., reliable information that the prisoner possesses contraband, the discovery of contraband in the prisoner's living space, a serious incident in which the prisoner was involved or where the prisoner was present, refusal to be searched, contact with the public or exposure to public areas, exposures to contact visits, or breaks in custody). In these searches, prisoners shall remove their shoes and all clothing. Clothing, personal effects, and body shall be carefully searched. Complete search shall be made in privacy, and the searcher shall have another staff member present as a witness. Strip searches shall be documented.

(3) Body Cavity Search. Internal examination of body orifices may be conducted only by qualified medical personnel, when authorized by the brig CO or designee, and only when there is a reasonable belief that a prisoner is concealing contraband in or on their person. Body cavity searches shall be documented.

b. Area Search. All areas shall be subjected to a thorough search from time-to-time on an unscheduled basis. In conducting area searches, a definite plan shall be followed. Prisoners shall not be present during the search nor be permitted to see how it is conducted. If prisoners are occupying the area to be searched, they shall be escorted out of the area, each being frisk searched upon leaving. All authorized articles shall be handled carefully and replaced when the search is completed. Care shall be exercised to avoid any undue disturbance of prisoners' effects. Visiting areas, including visitor parking areas, shall be searched by staff before and after all visits, and must be completed prior to any further access by prisoners.

#### 403. KEY CONTROL

1. Control of keys is a major element of security. Key control procedures must be rigidly enforced. A key control system shall include routine inspections to ensure the authorized numbers of keys are available and will operate the locks. The key control system shall identify each key or ring of keys and give its location at all times. No key shall be marked to indicate its function; however, keys to emergency exits shall be properly

controlled and distinctly marked. Locks and keys for fire escapes and emergency doors must be checked frequently to ensure their operation.

2. There shall be three identical sets of keys and all keys shall be stored in security containers.

a. Active keys shall be located in the control center unless an electronic key watch system is approved by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections); however, emergency keys shall always be kept in the control center. Emergency keys shall be readily identifiable and stored in such a way that provides accessibility in case of emergencies.

b. The second set shall be located in the brig but outside the security perimeter.

c. The third set shall be located outside of the brig and at a secure location providing 24-hour access.

3. All three sets of keys shall be inspected monthly for functionality, inventoried quarterly for accountability, and rotated semi-annually to ensure even wear. Results of inspections and inventories, and verification of rotation of keys shall be documented and maintained on file for 3 years.

4. Only authorized staff members on duty shall have brig keys in their possession and then only during the performance of duties requiring the use of those keys. A sentry within a locked area shall have only the keys to a locked sub-area (such as keys to cells within a cellblock). Keys, except permanently issued keys, shall not be taken from the brig. Staff members authorized to draw keys/key rings shall use a metal tag, logbook, or personal identification number (PIN) system for each key/key ring drawn and returned. Control center shall maintain an accurate inventory showing the number of each key, trade name of lock and its location, and number and location of keys for that lock. Each key or ring of keys shall have its own hook on the key panel board or key watcher location. All keys must be accounted for at all times.

5. Keys to administrative areas outside the security perimeter may be assigned to staff on a permanent basis as approved by the brig officer. These keys are not required to be turned in at the

end of the duty day and may be retained by the staff member until duties change or they are no longer assigned to the brig.

6. In the event of lost, misplaced, or stolen keys, an investigation shall be conducted immediately; thereafter, a determination to replace affected locks or cores shall be made by the brig officer or designee. Any lock, core, or key replacement deemed necessary shall be accomplished immediately. Replacement or reserve locks, cores, and keys shall be secured to preclude access by unauthorized individuals.

7. A system for the control of brig staff members' and visitors' personal keys shall be implemented.

8. A key custodian and alternate key custodian shall be appointed in writing by the brig officer to administer the key control program.

404. TOOL CONTROL. All brigs shall have a formal tool control plan which includes culinary, barber, and medical/dental instruments and supplies. Tools shall be etched/tagged for identification and closely controlled. Where tools or equipment are kept in a brig, a secure and lockable tool crib equipped with shadow boards, ladder racks, and garden tool storage racks shall be provided. Ladders, ropes/cords/hoses longer than 15 feet, and other equipment that can be used for escape purposes or for weapons shall be included in the tool control plan and highly supervised. Tools allocated to various departments shall be distinctly marked for ready identification and to determine which department has responsibility for them.

1. Restricted Tools. Shall be easily identifiable, used only under supervision, and secured in a double-locked environment. Restricted tools include:

a. Workshops. Files, hacksaws, blades, welding torches, and pipe/bolt cutters;

b. Culinary. Kitchen knives, meat saws, cleavers, ice picks etc.;

c. Medical/Dental Instruments and Supplies. Syringes, needles, and other sharps; and

d. Miscellaneous. Barber instruments.

2. Procedures

a. A record of all tools shall be maintained and monitored, tracking each item from the time it enters the brig until the date it is removed from the brig.

b. Keep tools to a minimum and maintain an accurate up-to-date inventory.

c. Utilize a shadow board with outlines for tools where feasible.

d. Account for all tools daily.

e. Maintain a tool log to include identification number of tool, name of personnel/prisoner in possession, date and time issued/returned, and the issuing personnel.

f. Frequently verify location of all tools. Ensure restricted tools are only used under staff supervision.

g. Tools allocated to various departments shall be distinctly marked/etched for ready identification and to determine which department has responsibility.

h. Prisoner utensils shall be inventoried after each meal. Culinary tools shall be inventoried daily.

i. Broken, damaged, or worn tools must be turned in to the responsible supervisor for disposal. The responsible supervisor shall account for all pieces/parts of a broken tool prior to its disposal.

j. Missing or lost tools must be reported immediately to the CDO/DBS. In the event of lost, misplaced, or stolen tools, an investigation shall be conducted immediately and a search shall be conducted in an effort to locate the missing tool(s). A report of the lost, missing, or stolen tool(s) shall be forwarded to the brig officer or designee as soon as possible, but no later than the end of the shift in which the tool(s) was/were noted missing.

405. VEHICLE AND EQUIPMENT CONTROL

1. Authorization for entry of any vehicle into the brig compound is contingent upon consent to search. No personal vehicles are authorized within the security perimeter. All vehicles entering or leaving the security perimeter shall be carefully searched. A staff member shall remain with all vehicles the entire time it is in the security perimeter unless the compound is clear of all prisoners. Containers entering the compound shall be searched unless they were banded or sealed at a point of shipment and have not since been opened. Laundry, trash, and other containers large enough to conceal a person shall be searched before leaving the compound. All vehicles that remain in the security perimeter overnight shall be disabled and security safeguards implemented.

2. Vehicles parked in the brig staff/visitor parking area shall be locked, keys removed, and windows fully closed.

406. FLAMMABLE/TOXIC/CAUSTIC SUBSTANCE CONTROL1. Definitions

a. Flammable/Combustible. Flammable - materials/liquids with a flash point below 100 degrees Fahrenheit; combustible - materials/liquids with a flash point at or above 100 degrees Fahrenheit.

b. Toxic. Materials/substances that through chemical reactions or mixture can produce possible injury or harm to the body by entering through the skin, digestive tract, or respiratory tract (e.g., zinc, chromate paint, ammonia, chlorine, antifreeze, herbicides, pesticides).

c. Caustic. Materials/substances that can destroy or eat away by chemical reaction (e.g., lye, caustic soda, sulfuric acid).

2. Control

a. Handling. If a material/substance possesses more than one of the above properties, the safety requirements for all applicable properties should be considered. Prisoners shall never possess such items unless they are under the close supervision of qualified staff. Substances that do not contain one or more of the above properties but that are labeled "Keep

Out of the Reach of Children" or "May Be Harmful If Swallowed" are not prohibited; their use and control, however, shall be addressed in local policies. Material Safety Data Sheets (MSDS) shall be maintained as applicable. Personnel handling flammable, toxic, or caustic materials shall use appropriate personal protective equipment and trained in their proper use.

b. Storage. All flammable, toxic, and caustic materials shall be stored in secured areas that are inaccessible to prisoners, and a prescribed system shall be used to account for their distribution. Fuel (e.g., gasoline or diesel) shall be stored outside the brig. If stored within the security fence line perimeter, hazardous materials (HAZMAT) shall be stored in locked authorized HAZMAT containers. HAZMAT items shall only be brought into the security perimeter when necessary, and then only in the amounts needed for the immediate work on hand and managed under staff supervision.

c. Safeguards. Staff shall not introduce any form of flammable, toxic, caustic material/substance into the security perimeter.

#### 407. WEAPONS

1. Restrictions. Firearms, ammunition, non-lethal, or chemical riot control equipment shall be allowed inside the security perimeter of the brig only when specifically authorized by the brig CO, or higher authority, and then only to prevent or stop a riot or general disturbance. The officer authorizing such use shall ideally be present during the period of authorized use. The brig CO shall ensure proper training of staff prior to employment of any weapons within the brig.

2. Firearms. Use of firearms shall be authorized by the brig CO, or higher authority, only as a last resort. The brig CO shall ensure that all brig personnel authorized to use firearms receive appropriate training and demonstrate competency in their use before being assigned to a post involving the possible use of such weapons, and renewed at least annually (each 12-month period rather than calendar year). Firearms training should be conducted using a systematic curriculum, and be appropriately documented. Firearms shall be used only to prevent serious injury, loss of life, or to protect personnel (staff or prisoners) who are held as hostages. Persons shall not be fired upon to prevent their escape unless in their efforts to escape,

they harm or threaten to harm others seriously, or in any other way endanger the lives of others. Orders to halt shall be given first. Warning shots shall not be fired. Firearms shall be used only by personnel qualified in their use.

3. Batons. Batons of any type (e.g., riot batons, asps, Monadnock PR-24, etc.) are considered deadly weapons. The brig CO, or higher authority, may authorize their use only when the degree of force that can be applied by hand is inadequate to quell violence or control unruly prisoners. When authorized, the minimum force necessary to control the situation shall be applied. Specific training and annual certification is required.

4. Non-lethal. Use of non-lethal weapons may be authorized by the brig CO or higher authority. The Commandant of the Marine Corps has been designated as the executive agent for the Department of Defense (DoD) Joint Non-Lethal Weapons (NLW) Program for the responsibility in providing program recommendations and for stimulating and coordinating Joint NLW requirements. Due to the array of applications available and unique scenarios appropriate for their use, pre-selection of such weapons/munitions is required. Purchase of NLW capability items in use by brigs shall first be authorized by NAVPERSCOM (PERS-00D) and CMC (PSL Corrections). The brig CO shall publish policy governing training requirements and application consistent with Joint NLW Program guidelines.

5. Arms Locker. An arms locker shall be provided outside the security perimeter for the storage of weapons carried by personnel who visit the brig. An approved arms clearing trap shall be provided outside the security perimeter to safely clear all weapons prior to storage in the arms locker.

408. CHEMICAL AGENTS. Chemical riot control agents may be used only upon order of the brig CO, or higher authority, and only by a person trained in its use. All personnel authorized to use chemical agents shall receive thorough training in their use and in the treatment of individuals exposed to a chemical agent. A special training curriculum shall be established that includes both individual and group instruction by competent authorities. A trained riot force of the brig shall be utilized. Oleoresin Capsicum (OC) and Ortho-Chlorobenzylidene Malonitrile (CS gas) may be used in all brigs with the exception of overseas

facilities where OC or CS gas is prohibited by the Status of Forces Agreement with the host nation. Additional restrictions and responsibilities are provided below.

1. OC Spray

a. Exposure to OC spray may cause respiratory failure in susceptible individuals. Ensure brig staff members are appropriately trained in basic life support procedures before using OC spray.

b. Use only OC spray that is free of potential or known carcinogens.

c. Maintain a record on the use of OC spray during disturbance control, training, or accidental release to monitor the number of individuals exposed and any attributed adverse outcomes.

2. CS Gas. CS gas may be used when there are a large number of rioters so situated that their removal would be hazardous to other prisoners or staff members. Only the brig CO, or higher authority, shall authorize use of CS gas, and only CS gas shall be authorized. Normally, grenade type canisters shall be used.

a. Sufficient CS gas shall be used at the first attempt to quickly break up all resistance. Minimum effective amount and maximum amount that can be safely used in any given area shall be computed in advance and be maintained as part of the riot control plan.

b. Provisions for equipment and personnel must be made for a follow-up action. CS gas will likely break the resistance, but prisoners may have to be forcibly removed. A follow-up squad equipped with gas masks shall be ready to enter the affected area.

c. CS gas shall be permitted to develop fully but not to dissipate before sending in the follow-up squad.

d. A single CS gas shell or grenade can sometimes be used to break up a large group and make it easier to split off small portions. When this tactic is used, the group shall quickly regroup unless the follow-up is properly timed.

3. Whenever a chemical agent is used a detailed description of the circumstances attending its use shall be reported per article 1640-010, paragraph 202 of this manual. If injury or adverse public reaction occurs, an interim telephonic report shall be made immediately to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) with follow-up reports as soon as additional information becomes known.

#### 409. INSTRUMENTS OF RESTRAINT

##### 1. Definitions

a. Ambulatory Restraints. Corrections-related restraint equipment (as opposed to medical-related) that limits movement of body extremities without preventing the prisoner from moving about an area (also referred to as "walking restraints"). Ambulatory restraints generally allow the prisoner to eat, drink, move and take care of basic human needs with no or minimum staff intervention.

b. Authorized Restraints. Authorized restraints include traditional steel handcuffs, leg irons, waist chains (independently and collectively referred to as "hard restraints"), transportation belts, and other restraints to include "soft restraints" when specifically authorized for use by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections).

c. Full Restraints. Full restraints include the collective use of steel handcuffs, leg irons and waist belt/chains.

d. Progressive Restraint. Use of the least restrictive restraints deemed necessary to control the prisoner (e.g., first use hand irons, then leg irons, then waist chains, etc.). When brig design supports single cells within the general population quarters, progressive restraint may also include de-escalation interventions such as staff directing a disruptive prisoner(s) to return to their cell for a "cool down" period. Based on the prisoner's behavior, more/less restrictive restraints and transportation belts may be used.

e. Security Garment. Security garments generally refer to a smock, wrap or blanket made of tear and fire resistant material for use as a safe alternative to prisoner clothing. Security garments are not considered restraint equipment, unless such materials employ a restraint capability.

f. Senior Security Personnel. Brig billets, military and civilian, specifically authorized to direct restraint application on behalf of the brig CO. Such billets generally include the brig officer, CDO/DBS, corrections technical director, and operations officer.

g. Soft Restraints. Soft restraints are made of material such as velcro, vinyl, plastic or leather and designed to prevent excessive movement of the prisoner's body part to which they are attached in order to prevent prisoners from harming themselves. Soft restraints are generally considered "therapeutic restraints" and their use is authorized when directed by a medical officer, most often a psychiatrist, for use on mentally ill/distraught or self-destructive prisoners to promote their personal health and safety. Select soft restraints may also be considered "authorized restraints" when specifically authorized for use by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections).

h. Therapeutic Restraints. Therapeutic restraints include restraint equipment directed by a medical officer, most often a psychiatrist, for use on mentally ill/distraught or self-destructive prisoners to promote their personal health and safety. Therapeutic restraints may include, but are not limited to, ambulatory soft restraints and immobilizing restraints such as "four-point" or "five-point" restraints, straightjacket, or restraining chair. Immobilizing restraints secure the prisoner in such a way that the prisoner is prevented from self-rising, using toilet facilities, drinking, or eating. The use of four-point or five-point restraints is not authorized in brigs but may be utilized during hospitalizations as prescribed. Medical policy and regulation applies, vice correctional, for use of soft/therapeutic restraints and the brig CO or staff do not have the authority to authorize the use of these restraints within brigs.

## 2. Procedure

a. The brig CO or designee is responsible for implementation of all aspects of prisoner "ambulatory restraint" policy and management with one exception. A military judge may direct that restraints be removed from a prisoner in the courtroom (and that he remain unrestrained while in the courtroom) if, in the judge's opinion, such restraint is deemed unnecessary. This exception does not extend to legal visits such as prisoner and attorney meetings occurring outside of court-martial proceedings.

b. The brig CO may delegate restraint authority to "senior security personnel", as defined above. The brig CO is guided in the use of restraints per references (a) and (b). Brig COs shall employ use of progressive restraint consistent with governing policy and guidance herein.

c. Medical officers are responsible for the use of therapeutic restraints, to include soft restraints, per applicable medical policy and regulation.

d. Restraint equipment is never applied as punishment, discipline, coercion, convenience or retaliation by staff. They are applied only with the approval of the brig CO or designated senior security personnel per this manual.

e. Restraint policy and guidance associated with prisoner custody classification is found in paragraph 202.

f. The brig CO is responsible for implementation of prisoner ambulatory restraint policy and management.

g. Medical officers are responsible for soft and therapeutic restraint management. A medical officer, consistent with existing medical regulations, may authorize use of soft restraints within the brig, on a case-by-case basis, to prevent prisoners from harming themselves. The use of four-point or five-point restraint is not authorized within naval brig.

h. Restraint equipment shall be applied only for appropriate purposes and per applicable procedures. Staff and prisoner escorts must be specifically trained to each type of locally available authorized restraint.

i. Restraints may be authorized when regaining control during a disorder or when a prisoner is violent, self-destructive or escape-minded. If restraints are used as a result of a disorder or on a violent or disruptive prisoner, the brig officer shall be notified immediately. The brig officer or designated senior security personnel shall make an immediate on-site visit to observe that the use of restraints is appropriate and, where warranted, shall report that use to their immediate superior in command. An incident report, a use of force statement, voluntary statements (including medical), and an updated scars and marks form shall be submitted by the end of shift in all cases where

restraints are applied in non-routine use. In any case, senior security personnel shall ensure that restraints are removed as soon as practical.

j. Care shall be taken not to unnecessarily display restrained prisoners to the public during transportation.

k. When immediate use of restraints is required, staff may temporarily apply such restraints to a prisoner to prevent that prisoner from hurting self, staff, or others and or to prevent serious property damage and or escape. When the temporary application of restraints is determined necessary and after staff has gained control of the prisoner, the brig officer or designated senior security personnel is to be notified immediately for a decision on whether the use of restraints should continue. Restraints should be used only when other effective means of control have failed or are impractical.

l. Staff may apply restraints to a prisoner who continues to resist after staff achieves physical control of that prisoner and may apply restraints to any prisoner who is placed under control by use of force. If a prisoner in a forcible restraint situation refuses to move to another area on their own, staff may physically move that prisoner by carefully lifting and carrying the prisoner to the appropriate destination. Staff members are cautioned not to use the restraints for lifting or carrying a prisoner.

m. Except when immediate use of restraints is required for control of the prisoner, staff may apply restraints to, or continue the use of progressive restraints on, a prisoner while in a cell in administrative or disciplinary segregation only with approval of the brig officer or designated senior security personnel. In all cases, restraint and segregation (e.g., a restrained prisoner within a cell) cannot be used simultaneously unless a staff member, or preferably a corpsman, directly and continually monitors the prisoner face-to-face; further, a medical officer shall be notified and apprised of the situation. Staff must be cautioned and trained regarding the potential of injury to a prisoner who is in restraints while in a cell. Injury can result from situations where a prisoner falls and is not able to protect themselves from harm because of restricted movement.

n. Restraint equipment or devices shall be used as designed and may not be used in any of the following ways:

(1) As a method of punishing a prisoner or per paragraph 409.2.d, above;

(2) About a prisoner's neck or face or in any manner that restricts blood circulation or obstructs the prisoner's airway. Binding shall never be placed around a prisoner's mouth, nose, and neck, or so tight to a limb that circulation is restricted. Staff protective gear generally provides sufficient insulation from a prisoner's spitting or biting; therefore, no effort should be made by use of towels, sheets, blankets, hosiery, masks or any other devices to prevent a prisoner from spitting or biting. When endorsed by a medical officer and approved by the brig CO, the use of a medical mask may be authorized on a prisoner;

(3) In a manner that causes unnecessary physical pain or extreme discomfort; and

(a) Staff in general and supervisory personnel in particular shall ensure that unnecessary pressure is not placed on a prisoner's body in applying restraints (e.g., the prisoner's chest, back or neck). While the proper application of restraints may result in some discomfort, examples of prohibited uses of restraints would include, but are not limited to: hog-tying, unnecessarily tight restraints, improperly applied restraints or unauthorized restraints. Soft restraints, when specifically authorized by a medical officer, should only be used when all lesser measures to prevent the prisoners from harming themselves are not working or such use is in the interest of safety. Helmets may also be considered as a protective device. Video-taping the application of restraints during a forced-cell move or for self-injurious prisoners is a good practice. Having medical personnel observe the scenario and examine the prisoner briefly after application is also good practice.

(b) Restraints shall be administered in a natural body position. If restrained in a supine position (face up), head should be free to rotate from side to side and, when possible, elevate head of bed to prevent risk of aspiration. Always avoid use of prone position (face down) due to possibility of prisoner's airway becoming obstructed and lung expansion may be restricted.

(4) To secure a prisoner to a fixed object, such as a cell door, cell grill or vehicle component.

o. De-escalation Interventions

(1) The effective handling of aggressive prisoners is one of the most demanding aspects of working in corrections. It is an area where good interaction and communication skills are required. The majority of situations, where there is a potential for violence, can be handled through effective communication. Staff must be trained to recognize the signs of aggression (e.g., standing tall, red faced, raised voice, rapid breathing, direct prolonged eye contact, exaggerated gestures) and reasons for aggression (e.g., frustration, unfairness, humiliation, immaturity, excitement, learned behavior, reputation, means to an end, decoy).

(2) Staff faced with aggressive prisoners should seek to defuse the situation as they continually assess the risk of violence. Staff should be cautious to do nothing to further escalate the situation, yet maintain control of the situation. Training shall be provided to staff in methods to: appear confident; display calmness; create some space; speak slowly, gently and clearly; lower their voice; avoid staring; avoid arguing and confrontation; show that they are listening; and calm the prisoner. Staff should adopt a non-threatening body posture: use a calm, open posture (sitting or standing); reduce direct eye contact (as it may be taken as a confrontation); allow the prisoner adequate personal space; keep both hands visible; avoid sudden movements that may startle or be perceived as an attack; avoid audiences, as an audience may escalate the situation.

(3) When brig design supports single cells within the general population quarters, progressive restraint may also include de-escalation interventions such as staff directing a disruptive prisoner or prisoners to return to their cell for a "cool down" period. Such periods cannot exceed 30 minutes and all cases shall be reported immediately to the CDO/DBS, documented in the quarters supervisor's log, and brought to the attention of senior security personnel. Where warranted, the CDO/DBS can extend the cool down period by an additional 30 minutes.

p. Staff and prisoner escorts should be thoroughly trained in the use of locally authorized restraints. Restraints can be

cumbersome to apply and harmful to a prisoner if proper training is not provided. In the rare cases where restraint is required for pregnant prisoners, an approved vinyl or leather restraint belt should be used instead of a metal waist chain, whenever possible, to prevent injury to the prisoner or fetus. Where a metal waist chain is directed for use on a pregnant prisoner, where possible, medical personnel should check for proper application.

q. All prisoners in restraints, internal or external of the brig, must be under direct and continuous observation, supervision and, if under movement, assisted control.

r. To support prisoner escorts, restraint guidance for use on a specific prisoner shall be indicated in the "Remarks" field (block 11) of DD 2708 Receipt for Inmate or Detained Person.

s. Requests for use for other than traditional "hard restraints" shall be forwarded to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) with pictures, design intent, technical specifications, application procedures and training curriculum.

### 3. Staff Training

a. Brig officers shall ensure all correctional staff, to include support staff and prisoner escorts, are thoroughly trained in the policy, application and use of available authorized restraint equipment and such training shall be inclusive within pre-service and in-service training programs and documented within staff training records.

b. At a minimum, restraint-related training should include such issues as: restraint terminology; types of restraints; staff authorized to direct restraints; proper procedures for applying and removing restraints; de-escalation interventions; communication skills; role of the medical officer; terminology, physiology, and medical risks associated with the application and the use of restraints; procedures for lifting or carrying a restrained prisoner; supervision, movement and monitoring prisoners in restraints; measures to reduce the risk for asphyxia and death; and legal implications and liability.

## **SECTION 5. DISTURBANCES AND EMERGENCIES**

### 501. PREVENTION OF DISTURBANCES

1. There are remote and immediate causes for all disturbances. Trouble may be indicated when prisoners become restless and flare up easily, or when they avoid contact with staff members. Excessive numbers of disciplinary reports, requests for work or housing changes, and suicide attempts are indications of potential trouble and shall be investigated. To eliminate incidents that could result in a riot or disorder, a well-trained staff should be able to observe and detect tensions and unrest among prisoners and shall report them promptly. Frequent causes of disturbances are mistreatment, untrained staff, failure to separate problem prisoners, and improperly prepared or served food.

2. When an incident or disturbance occurs, staff members shall identify individual prisoners involved and report their actions. Immediate identification and isolation of leaders may prevent development of a major disturbance. Staff members shall be indoctrinated in the exercise of patience in the control of troublesome groups. Unnecessary use of force or arbitrary actions may precipitate a disturbance.

3. Each brig shall promulgate adequate disturbance and emergency plans and all brig staff shall be trained to in their implementation. Work stoppage and riot/disturbance plans are communicated only to appropriate supervisory or other personnel directly involved in the implementation of those plans. A review of all disturbance and emergency plans shall be an essential element of staff pre-service and in-service training. New staff shall be thoroughly familiar with all disturbance and emergency plans prior to their permanent post assignment.

#### 502. CONTROLLING DISTURBANCES

1. Staff members shall avoid use of force where the assigned responsibilities can be effectively discharged without its use. If security cannot be accomplished without the use of force, personnel shall use the minimum amount of force necessary to control the situation.

2. When deciding a course of action, consideration shall be given to general public safety, safety and welfare of hostages (if any), prevention of loss of life or injury to other personnel, prisoner welfare, and protection of property.

503. PRIORITIES OF FORCE. Use of physical force is restricted to instances of justifiable self-defense, protection of others, protection of property, prevention of escapes, and to maintain or regain control, then only as a last resort per this manual. When use of force is necessary, it shall be exercised according to priorities of force and limited to the minimum degree necessary under the particular circumstances. All instances requiring the use of force shall be fully documented. Use of firepower is justified only under conditions of extreme necessity and as a last resort, and when all lesser means have failed, or cannot be reasonably employed. Examples of such circumstances are stated in paragraph 504 below. The application of any or all of the priorities of force listed or the application of a higher priority without first employing a lower priority one will depend on and be consistent with the situation encountered during any particular disorder. Priorities of force and who may order them are as follows:

<u>Priority of Force</u>	<u>Who May Order (billet)</u>
An order	Any staff member
Show of force (condition/code)	Any staff member
Show of force (organized)	Brig officer or authorized representative
Use of physical force (individual)	Staff member in self-defense CDO/DBS
Use of physical force (organized)	Brig officer or authorized representative
Non-lethal munitions/ use of high pressure water/or chemical agents	CO
Use of batons	CO
Fire by selected marksmen or full firepower	CO

504. DEADLY FORCE

1. Following are examples of extreme situations where use of deadly force may be directed:

a. To protect citizens, staff member, or hostages when a reasonable belief exists that they are in imminent danger of death or serious bodily harm; or

b. To prevent the commission of a serious offense involving violence and the threatened death or serious bodily harm to another prisoner.

2. The CO shall ensure that all elements of intent, capability, and opportunity are in place prior to application of deadly force.

a. Intent. Threat or will of a person to cause injury to another.

b. Capability. A means to carry out the threat (i.e., a weapon of some sort).

c. Opportunity. Space in which a subject is in to complete the threat. Subjects with knives can not injure individuals 50 yards away; however, if they had pistols, the situation changes.

505. EMERGENCY RESPONSE PLAN. The brig emergency response plan shall be prepared to ensure the safety of staff and prisoners in the event of an emergency and reviewed annually. At a minimum, the brig shall publish the following required bills; fire, escape, riot, hostage, natural disaster, work stoppage, hunger strike, and bomb threat. Brig staff shall be trained on the emergency response plan during pre-service and in-service training. The emergency plan shall be safeguarded to ensure prisoners do not have access.

1. Fire Bill. Fire bill shall provide for the following:

a. Security and prompt evacuation of all personnel to a pre-selected control point;

b. Availability of efficient firefighting equipment at all times;

c. Modern, portable fire extinguishers in close proximity to all living quarters and at other strategic locations, as determined by the fire marshal;

d. Keys to emergency exits properly controlled and distinctly marked;

e. Availability of portable floodlight equipment;

f. Prisoners shall be trained in fire evacuation procedures;

g. Prominent posting of primary and alternate evacuation routes as information to staff and prisoners posted in quarters and administrative spaces;

h. Fire drills to be conducted at least monthly and recorded in the brig log;

i. All fire bills shall be coordinated with and approved by the installation fire department; and

j. Detailed plan of building(s) for fire department only.

2. Escape Bill. All precautions shall be taken to prevent escape of prisoners. Reasonable precautions include proper custody classification of prisoners, adequate instruction and supervision of staff, alertness of all staff members, a system of security inspections, and promulgation of an adequate escape bill. All staff members and prisoner escorts from other activities or units shall be familiar with procedures to be followed in the case of an escape or attempted escape. In the event of an escape, or attempted escape, action as outlined below shall be taken.

a. Attempted Escape from a Brig. If a prisoner attempts to escape, take action in the following order:

(1) Command the prisoner to "halt" and repeat the command one time, if necessary;

(2) If unsuccessful through the use of the command "halt," prevent the escape by physical pursuit and restraint as may be necessary under the circumstances;

(3) An escape, whether successful or abortive, will tend to cause unrest and could lead to a disturbance. Care must be taken to ensure a proper count is conducted and the daily routine is resumed as soon as possible; and

(4) If the prisoner is injured when captured, request medical assistance immediately.

b. Attempted Escape from an Escort. If a prisoner tries to escape from an escort outside the brig or if the person refuses to obey an order to remain with the detail, the escort shall attempt to restrain the prisoner with any effective means at hand, provided it can be done without jeopardizing control over the remaining prisoners in the detail. If the prisoner successfully escapes, the escort shall march remaining prisoners to the nearest means of communication, report the incident to the brig, and request instructions.

c. Escape Bill Requirements. Specific procedures that can be used quickly when an escape occurs should be made available to all staff. Procedures shall include the following: prompt reporting of the escape to the brig CO/brig officer; mobilizing of staff; implementing of a predetermined search plan; notify base security/provost marshal's office; higher headquarters; public affairs office; preparing of escape circulars for distribution and mailing; and, after apprehension of the escapee, promptly notify all who were previously alerted to the escape. Additional considerations include:

(1) Procedures for reporting absence of a prisoner and sounding the alarm without loss of time;

(2) Maintenance of an up-to-date list of all staff members with addresses and telephone numbers so they can be recalled when needed (Emergency Recall Bill). The recall roster shall be safeguarded to ensure compliance with personal identifiable information requirements and tested periodically to verify accuracy of recall numbers and response time of staff members;

(3) A listing of escape posts to be manned while the search is in progress. These may be divided into groups which provide for coverage according to areas and known circumstances;

(4) Post-specific instructions shall be provided for each staff member assigned to a post. Instructions shall include post number, location of nearest law enforcement agency, and any other information that will assist staff members when they arrive on the post. Portable two-way radios shall be issued each staff member assigned to an outlying post;

(5) Provisions for notification of military and civil law enforcement agencies in the area when an escape has occurred and their notification upon apprehension. The applicable Service Deserter Information Point (DIP) shall be notified immediately via telephone with a message to follow the next working day, and a DD 553 Deserter/Absentee Wanted by the Armed Forces, shall be completed and forwarded to the Service DIP by the most expeditious means. The below points of contact are provided:

- (a) Navy: Toll free (800) 423-7633;
- (b) USMC: Commercial (703) 614-3248, 3376;
- (c) Army: Commercial (502) 626-3711, 3712; and
- (d) USAF: Toll free (800) 531-5501.

(6) Provisions for picking up personnel assigned to outlying posts, and for turn-in of equipment;

(7) Provisions for not disrupting unrelated activities of the installation or station; and

(8) Provisions for securing and preserving any evidence of, or related to, the escape.

### 3. Riot Control Bill

a. Personnel assigned to riot control response units shall be properly equipped and trained in local riot control measures.

b. Each team must be given specific instructions in the course(s) of action to be followed. Teams shall enter the trouble area simultaneously from as many entrances as are available.

c. An assessment of the situation must be made before committing personnel to a condition that could result in a

hostage-taking situation. Reinforcements shall be called as necessary to handle the situation and they shall be assembled as soon as they arrive. This delay can be used to plan the operation and determine immediate objectives. Outer perimeter must be secured.

d. Chemical agents may be used as directed by paragraph 408, above.

e. Prior arrangements shall be made for appropriate emergency response unit, not assigned to the brig, to secure the outside perimeter of the brig to prevent escape during the period of time spent in forming and briefing the brig riot squad. Practice drills shall be held on a periodic basis. Kind and amount of force used shall be directed by the situation. A standby reaction force shall be employed as required.

f. Riot control bill shall provide for the following:

(1) Sounding the alarm;

(2) Basic procedures for dealing with riots in the mess hall, recreation area, auditorium, or any place where large numbers of prisoners normally gather; and

(3) Instructions for identifying, separating, and housing ringleaders.

g. Provisions for notifying the brig CO, security, fire and utilities departments, public affairs, and staff members (Emergency Recall Bill) who may be needed in controlling the riot.

h. Safety measures for staff and prisoners who are not participants.

i. Provisions for the protection of property.

j. Taking immediate steps to close the security perimeter to any avenue of escape or breaching.

k. Procedures for localizing the disturbance.

l. Procedures to be followed in the event of a hostage-taking situation.

m. Procedures for permitting withdrawal from the affected area by prisoners not wishing to participate.

n. Provisions made for securing communications facilities, heat, water, and main electrical controls.

o. Cause of the disturbance shall be ascertained if possible. Rioters may be conferred with, but no promises shall be made regarding any demands other than they will have a fair hearing. Use of a formally trained negotiator shall be provided for in the emergency bill, but senior decision-making personnel shall not become directly involved in negotiations with prisoners.

p. Personnel shall be instructed to closely observe actions of the prisoners in order to provide future evidence concerning the agitators and ringleaders.

q. Use of cameras is encouraged during disturbances as they normally serve as a deterrent, as well as providing graphic evidence in the case of future disciplinary hearings. A bull horn, video camera, and tape recorder are practical equipment to have available for disturbances.

r. Detailed plan of building(s) (blueprint/video).

s. Steps shall be taken as soon as the disturbance is under control to ensure no one has escaped and physical plant of the brig is secure.

(1) Segregate all prisoner participants of the riot and assign sufficient supervision to prevent a recurrence of the disturbance.

(2) Account for all prisoners and involved staff.

(3) Provide extra supervisory personnel in all quarters and mess hall until it is certain the disorder is completely subdued.

(4) Segregate all prisoner leaders and agitators in special quarters.

(5) Curtail all work and recreation activities, if necessary, and rearrange dining schedules so it is possible to provide adequate supervision for small groups of prisoners.

(6) Conduct a thorough investigation of the incident.

(7) Photograph all damaged areas and destruction before making repairs.

(8) Arrange for repair of damage to the brig's physical security.

(9) Debrief staff members.

(10) Evaluate use of traumatic stress teams.

4. Hostage Bill. Although taking hostages during a disturbance or an escape attempt is not a usual practice of military offenders, it is a very real threat and contingency plans must be issued. Proper training of all staff members and specialized training of hostage reaction teams is imperative. Any person held hostage has no authority, regardless of grade. All orders received from an individual under duress or being held hostage shall be referred to the applicable (non-hostage) staff member in the chain of command before being acted upon.

5. Natural Disaster Bill

a. If a brig is not secure enough to withstand natural disasters, prisoners and staff shall be evacuated prior to the final alert stage or condition.

b. Disaster bill shall include the following:

(1) A secure area/structure shall be predetermined for the security and prompt evacuation of all personnel;

(2) Evacuation routes shall be carefully predetermined for security and prompt evacuation of all personnel, and take into account natural and man-made barriers along the route;

(3) Emergency food, water, first-aid supplies, fuel, and communications planned for either evacuation site or remain-in-place operations (3-day supply);

(4) If time permits, individual prisoner records shall accompany personnel to the evacuation site;

(5) Brigs shall be secured once evacuation is complete;

(6) Medical assistance shall be provided for injured personnel;

(7) Procedures to account for all personnel and a plan to effect the orderly return to the brig; and

(8) Working parties shall be formed as necessary to repair damage and clear debris.

6. Work Stoppage Bill. A work stoppage occurs when civilian staff members actively demonstrate dissatisfaction by striking, calling in sick, and or creating work slowdowns or substandard performance.

a. Procedure. At a minimum, each brig shall implement a work stoppage bill that includes:

(1) Continuity of operations based on the length of the adverse action(s);

(2) Security and safety;

(3) Communications with employees;

(4) Communication with the public affairs office; and

(5) Documentation of employee actions during adverse job actions.

b. After Action. At a minimum, upon resolution of a work stoppage, the brig shall:

(1) Devise a plan to release temporary assigned personnel from other commands;

(2) Resume normal brig operations as soon as possible;

(3) Analyze cause of the action; and

(4) Analyze lessons learned for improvements.

7. Hunger Strike Bill. Brigs shall publish a hunger strike bill consistent with the provisions contained within article 1640-100, paragraph 201.6 of this manual.

8. Bomb Threat Bill. Brigs shall prepare a bomb threat bill to react to bomb threats or explosions. Any type of bomb threat shall be treated seriously and never ignored. All threats shall be investigated before making a declaration that the threat is a hoax. The bomb threat bill shall contain the following procedures:

- a. Bomb threat by phone (bomb threat checklist);
- b. Bomb threat by mail;
- c. Suspicious items;
- d. Event of an explosion;
- e. Threat evaluation;
- f. Bomb search procedures;
- g. Bomb search techniques;
- h. Evacuation;
- i. Reporting/notification requirements; and
- j. After action.

## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-050

#### DISCIPLINARY AND MANAGEMENT ACTIONS

<b>Responsible Office</b>	NAVPERSCOM (PERS-00D)	Phone:	DSN	882-4444
			COM	(901) 874-4444
			FAX	882-2626

<b>References</b>	(a) Uniform Code of Military Justice (UCMJ) (b) NAVSO P-6064, Manual for Courts-Martial United States (2008 edition)
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#### **SECTION 1. ADMINISTRATIVE DISCIPLINARY MEASURES**

##### 101. GENERAL

1. Uniform administrative disciplinary process, procedures, and authorized disciplinary and management actions within the naval corrections program shall be established consistent with the provisions of this manual. The term "disciplinary actions" is synonymous with authorized administrative disciplinary and management actions, and also referred to as "punishment".

2. The approving authority may impose all authorized disciplinary actions to include forfeiture of good conduct time (GCT)/earned time (ET), special acts abatement (SAA), and disciplinary segregation (DS). Hereafter, the term "abatement" refers to GCT, ET, and SAA.

##### 3. Definitions

a. Incentives. Tangible and intangible opportunities, beyond the scope of privileges, available within the brig's corrections program to encourage and motivate positive prisoner attitude, behavior, and accomplishment. Incentives recognize both individual and group attainment. The ultimate goals are to build self-discipline and self-reliance in the individual/group and improve the functioning of the brig. Incentives are not associated with authorized disciplinary actions but may be applicable or affected as a related management action as implemented within brig policy and procedures.

b. Legitimate Penological Interest. A bona fide concern for essential correctional operations that may require curtailing a prisoner's rights.

c. Minor Punishments. Disciplinary actions awarded as a result of Discipline and Adjustment (D&A) board process include: administrative reprimand or warning; loss of privileges; and extra duty. The brig officer approves minor punishments.

d. Major Punishments. In addition to minor punishments, disciplinary actions awarded as a result of D&A board process include forfeiture of abatements and DS. The approving authority approves major punishments.

e. Management Actions. Authorized actions as a result of a board process, which include:

(1) Minor Management Actions. Job change, quarters reassignment, incentive level change, custody classification change, and suspension or vacation of minor punishments. The brig officer approves minor management actions.

(2) Major Management Actions. In addition to minor management actions: resetting the employment date (ED) and suspending or vacating any major punishments. The approving authority approves major management actions.

f. Privileges. Any service that is not, by law or policy, considered to be an essential service. Privileges are benefits afforded to prisoners over and above minimum statutory requirements. Privileges often include, but are not limited to the following: visits; phone calls; television; computer; radio; movies; recreation; voluntary activities/programs; and special events.

g. Rights. An essential service that must be provided to a prisoner. Rights in confinement include, but are not limited to the following: minimum standard of living; freedom from discrimination on the basis of race, religion, creed, national origin, or sex; limited rights to practice speech and religion; prohibition of cruel and unusual punishment; duty to protect; due process in their right to administrative appeals; meals; health care; correspondence or other access to corresponding or consulting with counsel; and due process hearing for disciplinary actions.

4. Discipline

a. Discipline, not harshness, is the heart of the correctional process. Nowhere is discipline more important than in brigs, since persons returning to duty after confinement can serve satisfactorily only if they are able to conduct themselves in a disciplined manner.

b. Discipline can be learned only in a disciplined environment. Brigs shall provide a disciplined environment, which is enhanced by requiring a high standard of staff discipline. If all staff members meet high personal standards of discipline and if staff morale is high, prisoners shall observe this and most will respond positively. The objective is to instill discipline by teaching and demonstrating the value of self-discipline and self-reliance.

c. Rules for prisoners shall reflect the Department of Navy policies and shall cover essential elements of the brig's correctional program and daily routine.

d. New prisoners shall be given a copy of the brig's rules and regulations governing prisoner conduct upon arrival, to be retained by them until their release.

e. Instructions concerning various prisoner routines and responsibilities shall be thoroughly explained in the reception phase. Newly arrived prisoners are in unfamiliar surroundings and shall be informed of limitations placed on their activities, as well as opportunities available to them for self-improvement.

f. Daily routine and schedules of special activities shall be prominently displayed in all living quarters.

g. Basically, three rules are required of prisoners.

(1) Do not escape, attempt to escape, or aid another to escape;

(2) Do not have contraband in your possession; and

(3) Do not engage in disruptive behavior.

h. Each prisoner is expected to comply with the brig rules and regulations and shall be informed that any attempt to circumvent the rules and regulations may result in disciplinary actions.

i. Prisoners are subject to references (a) and (b), regardless of discharge status.

j. Prisoners shall observe military courtesies per Service customs and traditions as appropriate. Due to significant Service staff integration, the brig officer shall ensure that Service customs and traditions as they apply to the brig environment are covered during orientation and included within prisoner rules and regulations. Prisoners shall not be required to observe or practice military courtesies or other requirements that are unorthodox and not standard military practices. Following are examples of prohibited requirements:

(1) Requiring prisoners to salute or address enlisted personnel as "sir" or "ma'am" or to refer to themselves by a number or nickname, vice their last name;

(2) Requiring all prisoners to begin or end all statements to enlisted personnel with "sir" or "ma'am";

(3) Requiring prisoners to face bulkheads at close range in the passage of staff members;

(4) Requiring prisoners to request permission to speak;

(5) Use of physical fitness training (PT) or close order drill, as punishment, as a means of motivational training, or any other reason. Prisoners shall be required to perform only that PT prescribed in the daily routine/plan of the day;

(6) Mass or group punishment for an offense by an individual; and

(7) Unnecessarily delaying a prisoner's access to required services (e.g., toilet or medical care).

## 102. AUTHORIZED DISCIPLINARY PROCESS, PROCEDURES, AND ACTIONS

1. Authority. Brig commanding officers (COs)/brig officers may impose disciplinary actions on prisoners after due process (D&A

board). Disciplinary actions are administrative and do not preclude trial by courts-martial or action under the UCMJ.

## 2. Misconduct

a. Prisoners are subject to disciplinary action for violations of reference (a), relevant Federal laws, and brig rules and regulations, even after discharge from the military Service. Jurisdiction over a prisoner continues even after departing the brig (e.g., parole, supervised release, or excess leave), as long as the member remains under the administrative control of the armed Services. Misconduct is dealt with through trial by courts-martial, violations brought before a D&A board, and other management or administrative actions.

b. Rules of a brig must be enforced in a just and impartial manner. Violations must never be ignored or condoned, and staff members shall deal with minor violations on-the-spot. Normally, calling prisoners aside and explaining why their behavior is unacceptable will suffice.

c. Hard Card. Hard cards (index cards or locally generated form with hand written ink entries by staff) may be authorized by the brig officer. Information contained on the hard card may be considered by brig boards in determining an array of administrative/management actions. Where employed, the hard card shall be retained throughout the prisoner's period of confinement and filed in the prisoner's individual confinement record upon release. Hard cards are used to chronologically document both positive and negative prisoner behavior (e.g., verbal counseling, observation/disciplinary reports, etc.). Hard cards shall not be used in place of pass-down logs. Hard cards may contain a copy of the prisoner badge, shall be considered official documents, and entries shall be consistent with those of a log book. Hard cards shall be handled per personally identifiable information guidelines and shall not contain reference to the prisoner's confining offense or sentence.

d. Observation Reports (ORs). ORs are documented on DD 2713 Inmate Observation Report, and provide an excellent means of formally documenting positive performance and minor infractions; however, no inference shall be drawn that every minor incident must be put in writing.

e. Disciplinary Reports (DRs). DRs shall be reserved for serious offenses or to interrupt a pattern of unacceptable behavior such as a series of documented minor infractions in a short period of time. Excessive use of the DD 2714 Inmate Disciplinary Reports, reduces their effectiveness.

3. Initial Procedures. The following procedures shall be followed when a prisoner allegedly commits an infraction of regulations and a verbal correction or an OR is not considered appropriate:

a. Reporting offense. When a staff member reports an offense, the prisoner shall be immediately informed of the nature of the alleged rules violation. Staff members shall prepare a DR to include; the specific rule(s) violated, a formal statement of the charge, any unusual prisoner behavior, any staff witnesses, any physical evidence and its disposition, and any prisoner action taken including the use of force. The DR shall be signed and dated prior to submission to the command duty officer/duty brig supervisor (CDO/DBS). Contraband or other evidence shall be seized and placed into evidence. The CDO/DBS shall conduct an initial review of the DR for clarity, accuracy, and completion. DRs, once submitted by the staff member to the CDO/DBS, shall not be dismissed except by the brig officer after review of the report and formal investigation.

b. Interim action. The brig CDO/DBS may take interim action to ensure safety, and good order and discipline and or integrity of the investigation by placing a prisoner(s) in administrative segregation pending investigation. Segregation status shall be reviewed by the brig officer or designee within 72 hours, including weekends and holidays.

c. Investigation. When an alleged rules violation is reported, an appropriate and independent investigation shall begin within 24 hours of the time the violation is reported, and is completed without reasonable delay, unless there are exceptional circumstances for delaying the investigation. Prisoners who are on report may make a statement in their own behalf, after they have been warned against self-incrimination per reference (a), article 31, and informed of their rights to consult with counsel. After having their rights explained, prisoners may sign a waiver of their rights and may request a D&A board without consulting counsel, obtaining personal representative, or calling witnesses. The investigator shall

complete all investigative tasks and prepare an investigative report. D&A boards shall not be convened until completion of the investigation.

d. Review. Upon completion of the investigation, the DR and investigation shall be forwarded to the brig officer for review. The brig officer may:

- (1) Return for correction or further investigation;
- (2) Dismiss the DR;
- (3) File the DR without action;
- (4) Downgrade to a negative OR and file; or

(5) Refer to a D&A board. At brigs with two boards (minor/major), the brig officer shall refer the disciplinary case to either a minor or major board, as appropriate. All prisoners with suspended major punishment shall have their DRs referred to the major D&A board.

e. Due Process

(1) Legal Consultation. The prisoner appearing before the D&A board shall be afforded a reasonable time to consult with an attorney, normally within 6 working days from rights advisement. The prisoner has the right to consult with an attorney, but not a specific attorney, before convening of the D&A board. There is no right of representation by an attorney during the board proceedings. This is not a criminal trial; it is an administrative proceeding. Its purpose is to determine whether an offense was committed and to provide authorized disciplinary or management actions, if appropriate. Such actions are primarily corrective in nature and designed to address misconduct in a non-judicial forum.

(2) Assistance. The brig shall provide a staff member to assist prisoners at D&A boards if requested. A representative is appointed when it is apparent that a prisoner is not capable of collecting and presenting evidence effectively on their own behalf, is illiterate, or where unusually complex issues exist.

(3) Evidence. The prisoner has the right to present relevant evidence at the D&A board, both in defense and in extenuation and mitigation.

(4) 24-hour Notice. The prisoner has the right to receive a notice of the charges at least 24 hours prior to the D&A board convening; however, the board may be held within 24 hours with the prisoner's written consent. If prisoners are scheduled for release from confinement before the expiration of the 24-hour period, the D&A board may be held prior to expiration of the 24-hour notification period. The notice shall include a written statement of the charges, a description of the incident, rules violated, and the time and place of the board.

(5) Witnesses. At the time the prisoner is notified of their D&A board date, the prisoner must provide their final list of merit witnesses. Merit witnesses are those members the prisoner wants to appear at their board. When the prisoner receives written notice, or at any time thereafter, up to 24-hours in advance of the board, the prisoner may request to review the evidence and statements. The prisoner's right to question the witness, to call witnesses, and to present relevant documentary evidence is not absolute and may be denied when the D&A board specifically finds and documents that:

(a) Brig security would otherwise be jeopardized;

(b) Safety of informants would otherwise be jeopardized;

(c) Informants may be called by the board chair to present testimony without the presence of the accused. The accused will not be afforded the opportunity to identify or question the informant. Investigators may be called to testify in place of properly registered confidential sources; or

(d) A witness or document is not reasonably available, is not relevant, or would be unneeded duplication. If a witness is not reasonably available, a telephonic sworn statement may be taken during board proceedings, provided the identity of the witness has been verified and a speaker amplifier is used.

(6) Board Scheduling. The board shall be held within 7 working days of the formal notification of charges to the

prisoner. Postponement or continuance may be authorized by the brig officer (except at pre-trial confinement facility where the brig officer is enlisted, in which case the brig CO is the reviewing authority) for a reasonable period and with good cause.

(7) Presence During D&A Board Proceedings. The prisoner has the right to be present for all open sessions of the D&A board, unless the prisoner declines to appear or is removed for misconduct. Any absence shall be noted in the summarized record and supported by appropriate documentation to establish the circumstances of declination or removal for cause.

(8) D&A Board

(a) Membership. A D&A board (minor and major, if two boards are established) shall be appointed in writing by the brig CO and shall be composed of a chairperson (a senior brig staff member) and at least two other members without direct personal interest in a given incident. Officer, civilian, and enlisted staff may serve as board members as designated by the brig CO. A recorder may be assigned.

(b) Minor Board. The minor board is empowered to review disciplinary cases that involve minor offenses or could result in minor punishment.

(c) Major Board. The major board is empowered to review disciplinary cases that involve major offenses or could result in major punishment.

(d) D&A Board Proceedings. A D&A board shall convene to evaluate all facts and circumstances surrounding alleged prisoner violations of brig rules and violations of reference (a). In addition to the DR, the D&A board shall make a written record of the evidence presented at the board and state the reasons for recommending disciplinary action, if applicable. In making its recommendations, the D&A board must give full consideration to the causes for the adverse behavior, the setting and the circumstances in which it occurred, the individual's accountability, the correctional treatment goals, and the existence of any impacting mental or emotional issues. The board should recommend disciplinary measures only to regulate and control the prisoner's behavior as necessary within acceptable

limits. Each case is considered individually and on its own merits, based on a thorough and impartial evaluation of all relevant facts and circumstances.

(e) Formal Reply to Charges. After rights advisement against self-incrimination and the reading of the alleged violation(s), the board chairperson will ask if the prisoner understands each charge. All questions are resolved before continuing. Regardless of which plea is entered, the prisoner is given the opportunity to explain the circumstances surrounding the infraction and assists the board in determining the guilt or innocence of the prisoner. The prisoner shall enter one of the following pleas for each charge:

1. GUILTY;

2. NOT GUILTY; or

3. NO PLEA. NO PLEA is neither a "guilty" or "not guilty" plea. If the prisoner fails to enter a plea to a charge, or does not appear, a plea of "NO PLEA" is entered.

(f) Board Findings. Once all relevant and available evidence has been presented, the board shall deliberate in a closed session to consider all facts, reasonable inferences/deductions and conclusions. Findings shall be based solely on information obtained in the board process, including staff reports, accused statements, and evidence from witnesses and documents. When the board completes its deliberations, it shall reconvene in the presence of the prisoner who shall be advised of its findings and recommendations. The decisions and reasons shall be documented, unless doing so would jeopardize brig security. The prisoner shall be given a copy, the originals placed in the prisoner's record, and the results entered into the disciplinary log. The board may enter one of the following findings for each charge:

1. GUILTY - A majority (two to one) of the board members must be convinced the prisoner committed the charged violation, or a lesser-included offense of the charged violation. A guilty determination is based on a "preponderance of evidence" (i.e., there is more evidence to indicate the prisoner is guilty rather than not guilty);

2. ACQUITTED - If the board members cannot obtain a majority (two to one) of votes to convict on any specific charge, the finding shall be entered as "Acquitted;" or

3. DISMISSED - Is entered when the board unanimously finds the charge is not a violation, or the charge is multiplicitous (charges describe the same misconduct) with other violations for which the prisoner was found "Guilty." In the case of a "Guilty" finding, violations may be considered individually or together in determining the board's recommendations. The board considers, but is not bound to recommend, credit for time spent in administrative segregation pending investigation. If a minor D&A board recommends any major punishments, the case shall be referred to the major D&A board.

(9) Authorized Disciplinary/Management Actions

(a) If appropriate, pre/post-trial prisoners may be referred to their parent CO for punishment under reference (a), article 15, or trial by courts-martial per reference (b). In addition, post-trial prisoners may be referred to the convening authority for proceedings under reference (a), article 72 to vacate a previously suspended courts-martial sentence.

(b) Authorized minor/major punishments and management actions for categories I through V are provided in paragraph 204 below.

(c) Suspension of any disciplinary actions for a probationary period, not to exceed 6 months, is authorized.

(10) Approving Authority Review. All D&A board recommendations shall be forwarded to either the approving authority or brig officer, depending upon the severity of the recommended punishment (minor or major), via a reviewer. The role of the reviewer is to ensure that the board was conducted per policy and procedures, that the action taken conforms to brig regulations, and to provide a recommendation to the approving authority. Neither the reviewer, brig officer, nor the approving authority is limited by, or bound to, the recommendations of the board. The approving authority or brig officer may reduce or reverse the D&A board findings and increase or decrease recommended disciplinary actions deemed necessary. Approved D&A board recommendations are ordered into immediate execution without regard to appeal action. All actions, including

previously imposed punishments, shall run concurrent. Deferment of any punishments is not authorized. A copy of the disciplinary results shall be provided to the prisoner.

(11) Administration

(a) If the prisoner is found not guilty of a charge, the DR is removed from all of the prisoner's files (i.e., individual confinement record, hard card, and the Correctional Management Information System (CORMIS)). Violations with a finding of not guilty shall be separated and removed from the individual confinement record, hard card, and CORMIS.

(b) Disciplinary Log. A disciplinary log shall be maintained to record each DR and the action taken by the approving authority or brig officer. An automated log is authorized consistent with the provisions below.

1. The log shall contain chronological entries showing the date of the offense, date of the D&A board, the prisoner's name, resident control number (RCN), a brief statement of the offense, the name of the person making the report, and the punishment imposed. The log shall be marked with the identifier "For Official Use Only."

2. Each entry shall be signed or authenticated by the officer authorized to impose the punishment. The disciplinary log shall be submitted weekly to the brig CO for review and signature or authentication.

3. All paper/hard copy logs maintained by the brig shall be bound ledgers with consecutively pre-printed numbered pages. Automated logs must provide for automatic, continuous sequencing of all entries.

4. The disciplinary log shall be retained for 3 years from the date of the last entry and then destroyed.

(12) Appeals

(a) Imposed disciplinary or management actions may be appealed to the approving authority with subsequent appeal resting with the brig CO, as applicable. Final action rests with the brig CO. D&A board cases not resulting in disciplinary or management action are final and not subject to appeal.

(b) Appeals must be submitted within 15 calendar days of acknowledgement of receipt of the action. When circumstances prevent a prisoner from presenting the appeal during this period, the prisoner may submit a request for delay within the initial appeal period, with a statement describing the circumstances that necessitates the delay. Requests for delays shall be reviewed and granted where warranted. Appeals shall be decided within 30 calendar days of receipt and the prisoner notified promptly in writing of the results.

(c) An appeal must have substantive merit, or it shall be returned without further action. Appeals must be based upon showing that findings of the board were in error, the D&A board did not comply with applicable requirements, or the disciplinary action(s) were too severe.

(d) Appeal action that results in modification or disapproval of disciplinary action taken shall cause all records and individual confinement records to be corrected and modified as appropriate.

**SECTION 2. BRIG OFFENSES WITH ASSOCIATED CATEGORIES AND AUTHORIZED DISCIPLINARY AND MANAGEMENT ACTIONS**

201. BRIG OFFENSES

1. The laws, rules, and regulations applicable to confinement are too numerous to quote in their entirety. Copies of appropriate Service instructions/regulations, references (a) and (b), and other regulatory guidance applicable to confinement may be made available to prisoners.

2. The following list identifies and describes offenses under which a prisoner may be disciplined. Category I and II offenses are considered minor infractions. Category III, IV and V offenses are considered serious infractions.

a. Academic Misconduct (Category III Offense). Missing class through design or misconduct, cheating or assisting another to cheat on any academic or vocational training examination, disrupting an academic or vocational training session.

b. Aiding Another (Category I, II, III, IV, or V Offenses). Conspiring with, soliciting, or aiding another to commit or

attempt any prohibited act, to include failing to report a prohibited act. The category corresponds to the attempted level of offense shall be the same as the prohibited offense.

c. Arson (Category V Offense). Igniting any item which could cause personal injury or damage to any property.

d. Assault (Category III, IV, or V Offense). To attempt or offer to do bodily harm to another with unlawful force or violence, with apparent ability to do so. Category IV offense if committed with a weapon; Category V offense, if committed against a staff member.

e. Assault Consummated by Battery (Category IV or V Offense). To intentionally and without consent, strike, touch, or apply force to the person of another, either directly or indirectly, resulting in either bodily harm or an offensive touching of any form. Category V offense, if committed against a staff member.

f. Attempt (Category I, II, III, IV, or V Offenses). Any attempt to do a prohibited act, including any steps of preparation necessary to accomplish the prohibited act. The category level of the attempted offense will be the same as the prohibited offense.

g. Being Unsanitary or Untidy (Category I Offense). Failing to keep one's person, clothing, or living area sanitary and per prescribed standards. This offense includes littering of common use areas, etc.

h. Breach of Peace (Category III Offense). Use of rough (offensive), loud, profane, boisterous language or action, which disturbs or threatens the peace and good order of the brig.

i. Bribery (Category IV Offense). Asking, offering, rendering, accepting or receiving anything of value, this includes personal services, with intent to influence another to make a decision or commit an act that is prejudicial to the good order and discipline. Category V offense, if committed against a staff member.

j. Cell Alteration (Category II Offense). Making unauthorized changes to living quarters such as, but not limited to, moving furniture, painting or marking walls, hanging items to

block the view into the living area, affixing shading devices to lights or obstructing the intercom and or public address system.

k. Communicating a Threat (Category IV or V Offense).

Communicating verbally, in writing, or by physical gestures, a message intended to, or which may reasonably be expected to intimidate or threaten another, either directly or indirectly. This includes conditional threats or intimidation. Category V offense, if committed against a staff member.

l. Communications Tampering (Category IV Offense).

Tampering with any part of a radio, jack, headset, television, telephone, cassette disk player or any other communication device without permission etc.

m. Conduct Which Threatens (Category IV Offense). Any conduct which interferes with the orderly running, safety, good order and discipline, or security of the brig.

n. Contact Between Male and Female Prisoners (Category III Offense). Any physical contact between male and female prisoners is prohibited, except within the scope of duties. Verbal communication between male and female prisoners is prohibited except, as necessary on a detail, or at official brig programs. Written correspondence is covered in the unauthorized writing rule. Female and male prisoners shall not socialize during fellowship times at religious services or gatherings.

o. Counterfeiting (Category IV Offense). Knowingly making, submitting, reproducing, or altering any signature, writing, document, article of identification, money, security, or official paper without proper authority.

p. Damaging or Destroying Property (Category III Offense). Defacing, altering, or destroying property belonging to the government, or belonging to an individual. Anything issued to a prisoner is government property (e.g., brig operating instruction, identification badges, cell furnishings, clothing, and all equipment). This offense also includes marking, defacing, or destroying any posted instructions/orders.

q. Disobedience (Category III Offense). Disobeying an order given by civilian or military personnel in the performance of their duties, to include failure to comply with any order in a timely manner.

r. Disorderly Conduct (Category III Offense). Conduct of such a nature as to affect the peace and quiet of individuals, or who may thereby be disturbed or provoked to resentment. This charge could encompass all participants in a fight, regardless of who started the fight, or against individuals who engage in disruptive conduct, such as trashing the brig (e.g., throwing things on the floors, or flooding the brig by any means).

s. Disrespect (Category IV or V Offense). Being disrespectful in language or actions toward or about any member of the brig staff or other person of authority. Disrespect may consist of behavior that detracts from the respect due the authority and person of a brig staff member. It includes acts or language, however expressed. Abusive epithets or other contemptuous or denunciatory language may convey disrespect by words. Disrespect by acts includes showing a marked disdain, indifference, insolence, impertinence, undue familiarity or other rudeness in the presence of a staff member. Category V offense, if committed against a commissioned officer.

t. Escape (Category V Offense). Leaving custodial control without authority, including departing the brig, detail, escort, housing unit, job site or failing to return from temporary or emergency home parole.

u. Extortion (Category IV Offense). Demanding or receiving anything of value, to include personal services from another, by threatening to harm or exposure to authorities or disgrace, etc.

v. False Statement (Category II Offense). Signing, with the intent to deceive, any false record, return, order, regulation or other official document, knowing it to be false, or making any other false official statement knowing it to be false. This includes lying to a staff member about an official matter, either verbally or in writing, including signing or printing the name of another on any official document without authority of brig officials.

w. Funds Manipulation (Category III Offense). Directly or indirectly transferring money or negotiable instruments, including, but not limited to, checks and money orders to another, except as specifically authorized. Receiving money or negotiable instruments from a person or persons is identified as a prohibited source for funds.

x. Gambling (Category III Offense). Participating in games of chance for anything of value, to include personal services. Use of authorized recreational equipment for games of chance, or operating of any gambling pool. Possession of gambling paraphernalia.

y. Indecent Exposure (Category IV Offense). Intentionally exhibiting one's sexual organs, bare buttocks, or in the case of a female, bare breast, to another or to public view.

z. Interfering with Count (Category IV offense). Delaying or interfering with count including failing to timely move to assigned cell or area when lockdown is ordered or otherwise failing to assume a position per an order or this regulation so as to be readily visible to staff.

aa. Intoxicants (Category V Offense). Consuming, possessing, introducing, manufacturing or using any narcotic, drug paraphernalia, drug or intoxicant (to include any type of alcohol) not prescribed by the medical staff.

bb. Larceny (Category III or IV Offense). The taking, obtaining or withholding from the possession of the owner or another without authority, money, property or article of value of any kind. All articles or property, individually or Government-owned, that are deposited in a trash receptacle within the grounds of the brig shall be considered owned and in the possession of the Government until departure of said property from the grounds of the brig. All articles of property deposited in the trash receptacle under this paragraph shall be considered to be of the same value. Taking of Government property is a category IV offense.

cc. Lock Tampering (Category IV Offense). Tampering with locking devices or other security equipment, to include obstructing doors to prevent them from locking or unlocking.

dd. Loitering (Category I Offense). Lingering, moving slowly, stopping, or pausing in any area during individual or mass movement. Taking more than the prescribed time to consume a meal.

ee. Malingering (Category II Offense). Avoiding any responsibility, requirement, or order by feigning illness,

physical disablement, mental lapse, or derangement (includes abuse of sick call); or inflicting self-injury or removing stitches and bandages without authority.

ff. Medicine Misuse (Category III or IV Offense). Using, possessing, handling or storing of medicine, except as authorized by the brig medical staff. Failure to take medication as prescribed by medical staff.

gg. Mutilation (Category III Offense). Tattooing, piercing, marking, or maiming any part of the body or another person's body.

hh. Out of Place (Category III or IV Offense). If prisoners are not at their designated detail, housing unit, scheduled appointment, religious activity, recreational activity, or dining area, and are not on pass or under escort, they are out of place. If prisoners are not where they are supposed to be, they are out of place. This includes prisoners who deviate from the most direct authorized route from one authorized location to another and those visiting in or around another prisoner's cell. If the brig's operations are ceased and or a special count is conducted due to the prisoner being out of place, it is a category IV offense.

ii. Possession, Introduction, or Use of a Weapon (Category V Offense). Construction, introduction, possession, or the use of weapons is expressly forbidden. Weapons include, but are not limited to: guns, knives, clubs, brass knuckles, saps, blackjacks, and hard object(s) in a sock or similar container, or any item modified so it could be used as a weapon (e.g., modifying a disposable razor to expose the cutting edge, or placing a bar of soap in a sock).

jj. Possession of Stolen Property (Category III or IV Offense). Having on one's person or in one's living area property belonging to another or the government, which has been stolen. Having government property that has been stolen is a category IV offense. While actual knowledge that the property was stolen is required, such knowledge may be inferred and proved by circumstantial evidence.

kk. Profiteering/Racketeering (Category IV Offense). The loaning, buying, selling, trading, transferring, receiving, or lending of property, services or anything of value for profit, increased return or something of value.

ll. Prohibited Property (Contraband) (Category III Offense). Anything not specifically authorized by proper authority to be in a prisoner's possession is prohibited. Prisoners must obtain and keep written permission from the brig CO, or authorized representative, to possess any item not authorized by brig policy or staff. Any item not specifically authorized and found in a prisoner's possession shall be considered prohibited property. Possession of property obtained from trash receptacles, or that which was discarded in any other way by other prisoners or staff is prohibited. Property that has been altered from its original form without brig authorization shall be considered prohibited property.

mm. Provoking Words or Gestures (Category III Offense). Verbal or written communications or physical gestures that may anger, irritate, or incite another to induce a breach of peace under the circumstances.

nn. Rations Misuse (Category III Offense). Use of any ration in any manner for which it was not intended, such as throwing a ration item, using rations to make intoxicants, using rations in other illegal acts, wasting rations, or adding foreign substances to rations.

oo. Resisting Forced Cell Moves (Category IV or V Offense). Any action taken to impede, resist, or interfere with the actions of forced cell move teams, including, but not limited to, trying to keep the cell door closed, throwing objects at team members or attempting to grab team members while in the performance of their duties. Any action taken that causes the team to be activated, even if it is not used is a category IV offense.

pp. Rules Violation (Categories III Offenses). Violation of any posted or published brig rule. This includes, but is not limited to, the rules or instructions posted in housing units, details, and other offices/work areas, limitations imposed by recreation restriction, quarters and medical profiles, the terms of MIN or IC pledges, visitation rules, and requirements not otherwise specified as institutional offenses.

qq. Running (Category I Offense). Running anywhere inside the brig is prohibited, except as appropriate when engaged in authorized recreational activities, or as part of the corrections-training program.

rr. Sex Offender Contact with Minor Children (Category IV Offense). Prisoners who committed sexual offenses with minor children are prohibited from having contact, either written, telephonic, or in person, directly or indirectly with minor children unless written approval is granted by the brig CO or designee authorizing contact.

ss. Sexual Misconduct (Category IV Offense). Soliciting, threatening, or engaging in sexual or lewd conduct with another. Masturbating in open/plain view or continuing to masturbate in view of staff is considered sexual misconduct.

tt. Sleeping on Duty (Category II Offense). Falling asleep or appearing to fall asleep while at a detail or place of duty.

uu. Solicitation (Category V Offense). Asking, requesting or suggesting a staff member to perform any act, or give, provide or make available any item for the prisoner that is outside the staff member's normal performance of duty.

vv. Staff Harassment (Category II Offense). Any comment, conversation, question, or other communication (verbal or non-verbal expressions) intended to or which may reasonably be expected to anger, irritate, or demean a staff member. Such communications shall be considered staff harassment, when directed to a staff member or to another, and overheard or observed by a staff member.

ww. Suffering Loss of Property (Category II Offense). Loss of property due to carelessness, to include loss of property due to unsecured lockers within the living areas, whether or not the prisoner is present.

xx. Trafficking (Category III Offense). Selling, buying, trading, giving, receiving, or lending any item within the brig is prohibited except as specifically authorized by the proper authority.

yy. Unauthorized Ordering/Receiving (Category II Offense). Purchasing, receiving or ordering goods or services that are not

authorized, or purchasing or ordering goods or services in a manner that is prohibited or not authorized.

zz. Unauthorized Contact (Category III Offense). Any contact or communications, directly or indirectly, by a prisoner with brig staff members, or installation employees, other than during the normal course of duty performance, or during a brig sponsored activity, is prohibited. This includes prisoner having family member contact brig staff on behalf of the prisoner. Prisoners are also prohibited from communicating with, or having contact with prisoners confined in other institutions, former brig prisoners, or former staff members, except as authorized in advance through a request by the prisoner concerned to the brig CO or designee.

aaa. Unauthorized Use of Mail or Telephone (Category III Offense). Using the mail or telephone for unauthorized purposes as specified by law, regulation, or brig rules.

bbb. Unauthorized Writing (Category III Offense). Writing, distributing, or possessing any written motto, creed, saying, or drawing within the prisoner population, whose content is designed to or could disrupt the brig by encouraging strikes, riots, fights, racial or religious hatred, or other prohibited acts.

ccc. Victim Witness (Category IV Offense). Unauthorized contact or communicating with, directly or indirectly or causing another to contact any individual who qualifies as a prisoner's victim or witness is prohibited.

ddd. Violation of UCMJ Punitive Articles (Category IV Offenses). Violation of any punitive article of the Uniform Code of Military Justice, regardless of whether the misconduct violates a brig rule. Category V if the violation meets the specifications for any category V offense.

202. AUTHORIZED DISCIPLINARY ACTIONS. One or more disciplinary actions may be imposed on a prisoner for misconduct.

1. Administrative Reprimand or Warning (Verbal or Written). The lowest form of disciplinary action.

2. Loss of Privileges. The privileges subject to disciplinary action are those established to encourage good conduct (e.g.,

visits (if related to the violation), phone calls, television, computer, radio, movies, recreation, voluntary activities/programs, and special events).

3. Extra Duty (ED). ED shall not conflict with regular meals, regular sleeping hours, regular visiting hours, attendance at scheduled religious services, or interviews with authorized persons (e.g., chaplain, medical officer, legal counsel, etc.). ED shall be limited to 2 hours per day for a maximum of 14 consecutive days and shall consist of constructive and useful work. ED shall not be served on Sundays and holidays, although they count in the computation of the period for which such punishment is imposed.

4. Forfeiture of Abatements (GCT/ET/SAA). Any or all of the prisoner's abatement, to include GCT administratively credited for pre-trial confinement, may be forfeited. All abatement allowances earned up to and including the date of violation may be forfeited. The approving authority may restore abatements forfeited by any approving authority. Forfeiture resulting from escape or for supervised release (parole/mandatory supervised release) violations shall not be restored.

5. Disciplinary Segregation (DS). DS shall be served in a single occupancy furnished cell where the prisoner cannot communicate with unauthorized personnel and most privileges (specifically identified) shall be deprived.

a. Upon recommendation of DS by the D&A board, the board shall consider management actions to associate with DS. Management actions considered include; reset of continuous employment date, attendance to assigned treatment programs, incentive level reduction, custody reduction, and work/quarters assignment upon release from DS. All special handling and management actions approved by the approving authority that impact DS shall be annotated on a supplemental form/special handling letter.

b. Prisoners shall remain in their cell at all times except as specified within the approved discipline and management actions. They shall not be taken out of their cell to attend religious services. Assistance in the observance of denominational requirements, when available, shall be provided in the cells when appropriate. Prisoners in DS shall be afforded the opportunity for 1 hour of exercise outside their cell, at

least 5 days a week unless security and safety situations dictate otherwise. Exercise is separate and distinct from recreation. Staff shall document all movements and refusals.

c. Prisoners in DS shall be permitted to receive mail and write letters, and receive personal visitors unless substantial reasons for withholding visitation exists. Official visits shall be permitted at the brig. Under no circumstances shall a prisoner in DS be precluded from corresponding or consulting with counsel and corresponding with the privileged correspondents.

d. Meals shall be served in the cells.

e. A 5 to 10 minute shower privilege shall be granted daily when the prisoner's behavior is satisfactory. At a minimum, prisoners shall be allowed to shower every other day.

f. DS shall not exceed the limits authorized per paragraph 204 and shall be terminated as soon as the prisoner demonstrates that segregation has served its purpose. Duration of confinement in DS shall be determined by, and take into account, continuous improvement in the prisoner's conduct and attitude, and the punitive benefit has been served.

203. CATEGORY OF OFFENSES AND PUNISHMENT. Violations are divided into five categories. Each category has maximum allowable disciplinary and management actions. These actions shall not be exceeded, unless one of the following conditions is met:

1. D&A board members believe the maximum level should be exceeded due to unusual circumstances. The D&A board chairperson shall justify in writing to the approving authority the reasons for recommending actions that exceed the category level;

2. D&A board may recommend actions not to exceed the next higher range of punishment of the latest offense if the prisoner has two or more guilty findings (during separate board proceedings) within a 90-day period; or

3. The maximum recommended disciplinary and management actions for each category of offense are contained within paragraph 204 below.

204. CATEGORIES OF OFFENSE

1. Category I

a. Offenses

- (1) Aiding another (of Category I offenses);
- (2) Attempt (of Category I offenses);
- (3) Being unsanitary or untidy;
- (4) Loitering; and
- (5) Running.

b. Disciplinary Actions and Maximum Limits

- (1) Reprimand;
- (2) Lose of privileges (LOP) not to exceed (NTE) 30 days;
- (3) ED NTE 14 days, two 2 hours per day;
- (4) Forfeiture of GCT NTE 14 days; and or
- (5) DS NTE 15 days.

c. Management Actions

- (1) Suspension of any above actions NTE 180 days;
- (2) Vacation of any previously suspended actions;
- (3) Work assignment/quarters change;
- (4) Incentive level reduction;
- (5) Change continuous employment date (if not automatically changed due to award of DS; see article 1640-080, 202.9a(5)(b));
- (6) Custody review/reduction;
- (7) Reduction to negative OR; and or

(8) Other recommendations considering extenuating circumstances and the violation.

2. Category II

a. Offenses

- (1) Aiding another (of Category II offenses);
- (2) Attempt (of Category II offenses);
- (3) Cell alteration;
- (4) False statement;
- (5) Malingering;
- (6) Sleeping on duty;
- (7) Staff harassment;
- (8) Suffering loss of property; and
- (9) Unauthorized ordering/receiving.

b. Disciplinary Actions and Maximum Limits

- (1) Reprimand;
- (2) LOP NTE 45 days;
- (3) ED NTE 14 days, 2 hours per day;
- (4) Forfeiture of GCT NTE 30 days; and or
- (5) DS NTE 30 days.

c. Management Actions

- (1) Suspension of any above actions NTE 180 days;
- (2) Vacation of any previously suspended actions;
- (3) Work assignment/quarters change;

(4) Incentive level reduction;

(5) Change continuous employment date (if not automatically changed due to award of DS; see article 1640-080, 202.9a(5)(b));

(6) Custody review/reduction;

(7) Reduction to negative OR; and or

(8) Other recommendation considering extenuating circumstances and the violation.

3. Category III

a. Offenses

(1) Academic misconduct;

(2) Aiding another (of Category III offense);

(3) Assault (threatening);

(4) Attempt (of Category III offense);

(5) Breach of peace;

(6) Contact between male and female prisoners;

(7) Damaging or destroying property;

(8) Disobedience;

(9) Disorderly conduct;

(10) Funds manipulation;

(11) Gambling;

(12) Larceny;

(13) Medicine misuse;

(14) Mutilation;

- (15) Out of place;
- (16) Possession of stolen property;
- (17) Prohibited property;
- (18) Provoking words or gestures;
- (19) Rations misuse;
- (20) Rules violation;
- (21) Trafficking;
- (22) Unauthorized contact;
- (23) Unauthorized use of mail or telephone; and
- (24) Unauthorized writing.

b. Disciplinary Actions and Maximum Limits

- (1) Reprimand;
- (2) LOP NTE 60 days;
- (3) DS NTE 30 days;
- (4) ED NTE 14 days, 2 hours per day; and or
- (5) Forfeiture of GCT/ET NTE 90 days.

c. Management Actions

- (1) Suspension of any above actions NTE 180 days;
- (2) Vacation of any previously suspended actions;
- (3) Work assignment/quarters change;
- (4) Incentive level reduction;
- (5) Change continuous employment date (if not automatically changed due to award of DS; see article 1640-080, 202.9a(5)(b));

(6) Custody review/reduction;

(7) Reduction to negative OR; and or

(8) Other recommendations considering extenuating circumstances and the violation.

4. Category IV

a. Offenses

(1) Aiding another (of Category IV offenses);

(2) Assault (if committed with a weapon);

(3) Assault consummated by battery;

(4) Attempt (of Category IV offenses);

(5) Bribery;

(6) Communicating a threat;

(7) Communications tampering;

(8) Conduct which threatens;

(9) Counterfeiting;

(10) Disrespect;

(11) Extortion;

(12) Indecent exposure;

(13) Interfering with count;

(14) Larceny (taking of government property);

(15) Lock tampering;

(16) Medicine misuse;

(17) Out of place (if operations are ceased of special count is conducted);

(18) Possession of stolen property (if government property);

(19) Profiteering/racketeering;

(20) Resisting forced cell moves;

(21) Sex offender contact with minor children;

(22) Sexual misconduct;

(23) Victim Witness; and

(24) Violation of reference (a).

b. Disciplinary Actions and Maximum Limits

(1) Reprimand;

(2) LOP NTE 60 days;

(3) ED NTE 14 days, 2 hours per day;

(4) DS (indefinite) normally NTE 60 days; and or

(5) Forfeiture of any abatement.

c. Management Actions

(1) Suspension of any above actions NTE 180 days;

(2) Work assignment/quarters change;

(3) Incentive level reduction;

(4) Change continuous employment date (if not automatically changed due to award of DS; see article 1640-080, 202.9a(5)(b));

(5) Custody review/reduction;

(6) Reduction to negative OR; and or

(7) Other recommendations considering extenuating circumstances and the violation.

5. Category V

a. Offenses

- (1) Aiding another (of Category V offenses);
- (2) Arson;
- (3) Assault (against a staff member);
- (4) Assault consummated by battery (against a staff member);
- (5) Attempt (of Category V offenses);
- (6) Bribery (committed against a staff member);
- (7) Communicating a threat (against a staff member);
- (8) Disrespect (if committed against a commissioned officer);
- (9) Escape;
- (10) Intoxicants;
- (11) Possession, introduction, or use of a weapon;
- (12) Resisting force cell moves;
- (13) Solicitation; or
- (14) Violation of reference (a).

b. Disciplinary Actions and Maximum Limits

- (1) Reprimand;
- (2) LOP NTE 60 days;
- (3) ED NTE 14 days, 2 hours per day;
- (4) DS (indefinite) normally NTE 60 days; and or
- (5) Forfeiture of any abatement.

c. Management Actions

- (1) Suspension of any above actions NTE 180 days;
- (2) Vacation of any previously suspended actions;
- (3) Work assignment/quarters change;
- (4) Incentive level reduction;
- (5) Change continuous employment date (if not automatically changed due to award of DS; see article 1640-080, 202.9a(5)(b));
- (6) Custody review/reduction;
- (7) Reduction to negative OR; and or
- (8) Other recommendations considering extenuating circumstances and the violation.



## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-060

#### CORRECTIONAL PROGRAMMING AND REVIEW BOARDS

<b>Responsible Office</b>	NAVPERSCOM	Phone: DSN	882-4444
	(PERS-00D)	COM	(901) 874-4444
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<b>Reference</b>	(a) SECNAVINST 1640.9C
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#### **SECTION 1. CORRECTIONAL PROGRAMS, SCHEDULING AND ASSIGNMENT**

##### 101. GENERAL

1. Definition. The brig correctional program is the aggregate of all resources used to encourage and promote constructive change in prisoners.

2. Philosophy. Per reference (a) it is Department of the Navy's philosophy that briggs provide a climate conducive to positive change, with programs tailored to the needs of prisoners and the Service, and administered in a manner which recognizes and rewards acceptable behavior while disciplining unacceptable behavior. The correctional program must recognize the critical role that brig staff members assume as role models of successful behavior. In level II briggs, women offenders must be provided gender-responsive programs approved by Navy Personnel Command (NAVPERSCOM), Corrections and Programs (PERS-00D).

3. Utilization of Local Resources. Mutually supportive arrangements with the local military and civilian communities shall be established and maintained. A well-rounded corrections program shall use qualified local resources when the need arises. Volunteers may be used to advise and conduct some programs, or to assist staff members in conducting them.

##### 102. PROGRAM SCHEDULING

1. To the greatest extent possible correctional programs shall be administered after the end of the prisoner's normal workday.

Availability of resources may dictate that a few special offense-related and adult basic education/General Equivalency/Education Diploma (GED) programs be conducted during the normal workday, but such scheduling shall be kept to a minimum in order not to reduce the required prisoner work hours (e.g., 40 hours per week). Working hours of counselors, treatment, and program staff, both military and civilian, shall coincide with this schedule. Prisoners participating in these special programs shall have the program included in their program plan.

2. A program plan shall be developed based on needs of prisoners and resources available at the brig to provide maximum benefit to the prisoner, community, and Service.

### 103. MINIMUM ACCEPTABLE PROGRAM REQUIREMENTS

#### 1. Definitions

a. Core Programs. All brigs (pre-trial confinement facilities (PCFs) and level I/II/III) shall provide core programs. Core programs include physical fitness training (PT), recreation, individual and group counseling, work, incentive, life skills, and religious programs.

b. Level I Brigs. Level I brigs shall provide core programs plus academic education, drug and alcohol education, and crisis intervention.

c. Level II and III Brigs. Level II and III brigs shall provide core and level I programs plus victim impact, stress and anger management, sex offender/violent offender education or treatment program access, vocational training, functional skills testing, remedial education, and high school level education classes or GED.

2. Program Components. The minimum requirements for each of the below correctional programs apply.

#### a. Physical Fitness Training (PT) (Core)

(1) PT shall be conducted daily (excluding weekends and holidays) and shall be led by example by a brig staff member. A second staff member shall be present to work with individuals needing assistance with technique, to watch for signs of distress and to help in delivering the program.

(2) Physical readiness testing is not required; however, if performed, earned time (ET) could be awarded as an incentive for scoring "excellent."

(3) Discharged prisoners shall be allowed the opportunity, but are not required, to participate in organized PT. When participating, they shall follow the same protocols required of non-discharged prisoners.

(4) Specific limitations

(a) Age, physical condition, and motivation of prisoners as well as the brig's training schedule shall be the deciding factor as to how long PT shall be performed.

(b) A PT exercise period shall be limited to 20-45 minutes, including instruction. Type of exercises recommended herein shall be performed in both the manner and sequence presented. This sequence has been designed to:

1. Ensure a proper warm-up for individuals who may not be physically conditioned; and

2. Ensure proper working of each major muscle group. Deviation from the recommended sequence of exercises is permitted when due consideration has been given to the degree of warm-up and the level of proficiency of participants.

(c) Prior to commencing a PT period, each participant shall be given an opportunity for a drink of water and a head call.

(d) There shall be reasonable breaks of a 1 or 2 minutes whenever the exercise leader deems it necessary. During this period, water shall be made available.

(e) Safety remains the primary consideration in any PT program. During periods of temperature extremes or high humidity, slowing or curtailment of physical activity must be given due consideration.

(f) PT shall not:

1. Be required of individuals with valid medical restrictions;

2. Be carried to the point of illness or physical exhaustion;

3. Be performed within 15 minutes prior to a meal or 1 hour following a meal;

4. Be performed under circumstances which will bring undue embarrassment to a participant or as a means of harassment or punishment;

5. Be performed in extreme heat or cold;

6. Be performed on unsafe surfaces (mud, snow, non-skid surfaces, etc.) or under any other unsafe conditions; or

7. Be held during the prisoners' work hours.

b. Recreation (Core). Prisoners shall have access to basic physical and non-physical recreational activities, although passive recreation shall be kept to a minimum where alternatives exist. A recreation program including both individual and group activities shall be provided based upon command resources. Extra recreational activities may be part of the incentives program. Recreation may include the following:

(1) Organized athletics, (e.g., soccer, basketball, etc.). Limited contact sports may be authorized and must be properly supervised;

(2) Minimal access to television and radio; additional access may be earned through positive behavior;

(3) Recreational library usage;

(4) Weight lifting equipment and instruction; and

(5) Movies.

(a) The type/content of movies shall conform to statutory limitations and the limitations of this policy. Brig officers shall designate an individual or board, such as the literary review board, to select and approve movies to be shown to prisoners consistent with the policy guidelines contained herein. All copyright and licensing agreements must be strictly enforced.

(b) X-rated movies shall not be shown to prisoners. Movies rated R or NC-17 may only be shown to prisoners if they have been edited for general public viewing, such as those shown on network television stations. However, not all edited movies may be appropriate for briggs and caution must be used in approving such movies. Foreign language films or other movies that are not rated may be shown if they do not include profanity, graphic violence, or nudity.

(c) Television reception of other than network channels shall be available to prisoners only if movies rated X, R, or NC-17 can be blocked out either electronically or by staff.

c. Individual and Group Counseling (Core)

(1) Individual counseling

(a) Prisoners shall be assigned a counselor/case manager. This shall be a trained senior enlisted member or civilian upon whom they can rely for assistance and personal guidance.

(b) Individual counseling commences with the initial interview, conducted the first working day after entering confinement, and shall occur at least weekly for 20-60 minutes for level I prisoners (less than a one year sentence) and every 2 weeks for level II/III prisoners (greater than a one year sentence), depending on the prisoner's problems and needs. Counseling shall continue for prisoners in segregation.

1. The following forms shall be used to document contacts and record the results of individual counseling:

a. DD 2710 Inmate Background Summary;

b. DD 2715-2 Inmate Summary Data; and

c. DD 2719 Continuation Sheet.

(c) All individual counseling documentation shall be filed in the prisoner's individual confinement record. Where the Correctional Management Information System (CORMIS) is available, documentation of individual counseling contacts and results shall be accomplished in the CORMIS Program Plan section.

(d) The brig officer or designee shall involve quarters supervisors in guidance functions. With training in directive-type and reality-style counseling techniques quarters supervisors may assume primary responsibility for the day-to-day guidance of a small number of prisoners and for handling routine problems of all personnel. Correctional counselors shall still have overall counseling responsibilities for prisoners assigned to them, but when possible concentrate on individual/group counseling focused on self-management and short and long-term problem solving. Individual counseling shall also focus on identifying what resources the prisoner will need for successful reentry into the community and establishing linkage to those prior to release. This can be done with a unit management approach to operating the brig.

(2) Group counseling

(a) Group counseling is designed for post-trial prisoners and is divided into two distinct types: formal therapy groups under the direction of a licensed, credentialed professional, and group counseling sessions conducted by the correctional counselors/case managers or qualified volunteers. Groups allow individual prisoners to interact with their peers in a guided manner and thereby learn coping skills. For correctional counselor/case manager groups, formal curriculum shall be utilized to facilitate offense-related groups (e.g., National Curriculum and Training Institute's (NCTI) "Crossroads" or National Institute of Corrections' (NIC) "Thinking for a Change").

(b) Groups shall meet weekly for a specified period of time, usually 1-2 hours. Constant turnover experienced by most brigs requires constant screening of new arrivals to ensure group size maintains a workable level and all who can benefit from group counseling have the opportunity to participate. Individuals who would be counterproductive in groups (e.g., overly aggressive or fearful) shall not be placed in groups unless special preparation and membership is provided.

(c) Proper training in group counseling techniques shall be a part of the formal in-service training of each counselor/case manager/discussion leader. Staff shall obtain and maintain required certification or complete required training

prior to being assigned facilitator responsibilities for a program/curriculum for which a vendor/provider specifies facilitator requirements.

(d) Group counseling sessions shall be documented and results of group counseling shall be recorded on DD 2719 Continuation Sheet, and located in the prisoner's individual confinement record/CORMIS.

d. Work (Core)

(1) Prisoners shall be assigned to industries programs and work assignments to provide productive work, instill a positive work ethic, and develop vocational skills. To ensure productive utilization of prisoner labor, local commanders shall be encouraged to make productive work available. Those units desiring prisoner working parties shall submit their requests to the brig; work supervisors shall ensure work to be performed is worthwhile and constructive. The requesting unit may be required to provide trained and qualified escorts, and transportation to and from the work sites. Escort training normally shall be provided at the brig. Discretion must be exercised in assigning many types of jobs considering that appropriate supervision must be provided. Suitable work for prisoners includes maintenance and repair of physical plant, salvage, conservation of government property, services provided for nearby government organizations, and manufacturing of articles for government use.

(2) Following work assignments are prohibited:

(a) Duties that place one prisoner in authority over another prisoner, except for training, and then only when directly supervised by a staff member;

(b) Work, or work environment, that is inherently dangerous or hazardous to the prisoner, except in emergency situations;

(c) Assignments that require handling of, or access to, drugs, narcotics, intoxicants, uncrated explosives or weapons, money, security equipment, classified material, keys or personnel (staff or prisoner) records or files; and

(d) Prisoners shall not be required to observe duty hours or training schedules devised as punitive measures, except as provided for under administrative punishments.

(3) Following work assignments are limited:

(a) Duties that are for exclusive benefit of a private individual or private organization, including individual staff members of the brig (i.e., non-official business). Guidance may be found in DoD 5500.7-R, Joint Ethics Regulations (JER), and BUPERSINST 1710.11C, Operation and Management of Navy Morale, Welfare and Recreation (MWR) Programs. MWR activities have been divided into three funding authorization categories:

1. Category A: Mission Sustaining Activities.

Category A activities do not generate a revenue and prisoners can be assigned to support such activities.

2. Category B: Basic Community Support

Activities. Category B activities are supported by up to 65 percent of appropriated funding/resources, including prisoner resources if assigned. Prisoners can support category B activities if such support does not allow the entity to exceed 65 percent appropriated support.

3. Category C: Business Activities.

Category C activities are supported completely by non-appropriated funds and are self-sufficient. Prisoners shall not be used to support these activities.

(b) Special Events. Prisoner support to installation public affairs events (e.g., air shows, open houses, etc.) may be provided consistent with the provisions of the JER.

(4) Employment of Pre-trial Prisoners. It is necessary to recognize the difference in status of pre-trial prisoners from post-trial prisoners. Pre-trial prisoners shall not be required to undergo punitive duty hours or training, perform punitive labor, or wear special uniforms prescribed only for post-trial prisoners. Duties shall not be demeaning and unnecessary; however, performance of necessary duties is authorized. When employed, pre-trial prisoners must work separately from post-trial prisoners. Pre-trial prisoners may be assigned to various police, fatigue, and work details which may be assigned to duty personnel in the maintenance and operation of the command.

(5) Employment of Different Custody Classification or Mixed-Gender Prisoners. Prisoners of same status (pre-trial/post-trial) may be co-mingled on a given work assignment, regardless of custody classification. If assignment is outside the brig, supervision shall be furnished as required for the highest custody classification present (normally medium outside (MDO)). To the greatest extent possible, male and female prisoners shall not be assigned simultaneously in the same program/work areas, while ensuring both have full access to a full range of programming opportunities.

e. Incentive Program (Core). All briggs shall establish an incentive program consistent with the provisions contained within article 1640-130 of this manual.

f. Life Skills (Core). Life skills program is appropriate for prisoners of any age or confinement sentence length as this program addresses skills necessary for daily living.

(1) Target. Life skills topics shall be a part of programming for all prisoners, regardless of sentence length. Prisoners with sentences of 6 months or less shall be the primary focus of life skills programming.

(2) Minimum Program Requirement. Life skills program topics shall include, but are not limited to, interpersonal communications, problem solving, and decision-making. The life skills program shall also cover topics such as employment, budgeting and financial management, parenting and family relationships, and health promotion. Life skills shall be offered and administered as an integral part of the correctional program curriculum and ongoing group counseling. Group counseling shall focus on life skills utilizing locally available resources (e.g., Drug and Alcohol Program Advisor (DAPA)/ Substance Abuse Control Officer (SACO), or Fleet and Family Support Center/Marine Corps Community Services or other cognitive-based, behavior-change, programs such as Thinking for a Change, available through the NIC. The NCTI Crossroads program, leased and distributed by NAVPERSCOM (PERS-00D) and CMC (PSL Corrections) for group counseling, is applicable for use at level II and III briggs. NCTI's Crossroads program offers a wide variety of offense-specific, cognitive-based, behavior-change curricula (e.g., Misdemeanor, Larceny, Felony, etc.). At a minimum, all level II and III briggs shall administer the Misdemeanor program during orientation. Additional Crossroads

programs shall be the major component of group counseling for level II prisoners. The NCTI Crossroad program is not required at a level I brig as maintaining staff with the required facilitator certification is impractical.

(3) Facilitator Requirements and Program Certification.

NCTI requires Crossroads facilitators be certified. Training officers at level II and III brigs shall ensure that a sufficient number of certified Crossroads facilitators are on-board to meet the needs of the brig's average historical population.

g. Religious Program (Core)

(1) Chaplain. A chaplain, when not assigned full time to the brig staff, shall be assigned in writing by the CO of the activity for the Navy, and the command chaplain for the Marine Corps, to administer the religious program.

(2) Purpose. The chaplain shall direct the religious program and provide for worship services, religious education, and pastoral care that accommodate the doctrinal or traditional observances of the religious faith practiced by individual prisoners consistent with health, safety, and the overriding need for good order and discipline. Under the direction of the chaplain, prisoners and community resources may be used in the religious program. Command/unit chaplains shall be encouraged to visit prisoners from their organizations and to participate in the brig's religious program. The pastoral relationships established will be of special benefit when prisoners are restored to duty or returned to the community. The appointed chaplain shall coordinate the visitation program of unit chaplains and their participation in the brig's religious program. A close working relationship between staff and the chaplain shall be developed.

(3) Religious Practices

(a) Prisoners shall be neither coerced into nor rewarded for the practice of religion. Questions regarding religious practices shall be referred to chaplains for their recommendations. The brig shall support prisoners' religious accommodations to the greatest extent possible, as long as safety and security of the brig is maintained. After consultation with

the chaplain and a staff judge advocate, the brig officer shall approve such religious practice requests unless the following two-part test is met:

1. A requested religious practice interferes with the security or good order of the brig or with some other compelling governmental interest; and

2. Restrictions or denial of the prisoner's practice of religion is the least restrictive means available to ensure the achievement of such compelling governmental interest.

(b) Requests for special religious practices or privileges shall be submitted on a DD 510 Request for Interview, to the brig officer. Response to the request shall be documented on the request indicating date and time. Any denials by the CO shall be documented.

h. Academic Education (Level I), Functional Skills Testing (Level II), and Remedial Education (Level II/III)

(1) Target

(a) Academic education programming targets prisoners with at least 90 days remaining on their adjusted confinement sentence after completion of orientation.

(b) Functional skills testing shall be available to all prisoners with 1 year or more remaining on their adjusted confinement sentence.

(2) Minimum Program Requirement

(a) Academic education shall utilize Adult Basic Education (ABE) resources generally associated with and available from the local base education office (e.g., GED classes/testing, College Level Examination Program, Defense Activity for Non-Traditional Educational Support, United Services Military Apprenticeship Program, Military Academic Skills Program, Sailor/Marine American Council on Education on Registry Transcript, Service members Opportunity Colleges, etc.).

(b) Functional skills testing shall utilize the Test of ABE. Prisoners testing below a 10<sup>th</sup> grade level in reading, English and or math shall receive remedial education utilizing

ABE resources. Prisoners without a high school diploma testing above the 10<sup>th</sup> grade level shall receive high school level education classes or GED classes/testing.

(3) Facilitator Requirements and Program Certification.

The level I academic education program does not require specialized staff. At level II brigades these programs shall be provided by an education specialist ideally possessing a teaching credential.

i. Drug and Alcohol Awareness/Education (Level I and Above)

(1) Target. Drug and alcohol awareness/education program shall be targeted to all post-trial prisoners. The program may also be offered to pre-trial prisoners on a voluntary and space available basis.

(2) Minimum Program Requirement. All post-trial prisoners shall receive a minimum of 8 hours of drug and alcohol awareness/education training. Department of the Navy has programs resources available at most major commands such as Skills for Life, Alcohol Aware, and Alcohol Impact. Contact the command's DAPA/SACO for more information. Drug and alcohol awareness training shall also be presented during orientation to ensure prisoners with short-term sentences benefit.

(3) Facilitator Requirements and Program Certification.

Program materials shall be presented by experienced trainers or facilitators and shall meet any requirements specified by the agency or company providing the materials.

j. Crisis Intervention (Level I and Above). Crisis intervention is better described as a service vice program. Crisis intervention involves a process through which all pre-trial or post-trial prisoners shall have access to mental health services.

(1) Target. Crisis intervention shall target any prisoner, pre-trial or post-trial, identified as needing this service.

(2) Minimum Program Requirement. Crisis intervention is a process through which prisoners are screened, identified, and referred for mental health assessment to include a plan for services. Once a prisoner has been identified as potentially

needing crisis intervention, the case manager/counselor shall be notified to provide further referral as needed. Mental health services shall be provided by the local installation or community for level I briggs and by the clinical service department at level II and III briggs.

k. Victim Impact (Level II and III). Victim impact program is made up of 13 training modules.

(1) Target. All level II and III prisoners, who are not enrolled in sex or violent offender treatment programs, shall be assigned to victim impact training.

(2) Minimum Program Requirement. The Victim Impact: Listen and Learn curriculum, available by the Office for Victims of Crime (OVC), shall be utilized. The program materials, along with other facilitator resources, are available for download from OVC's Training and Technical Assistance Center's download center at <https://www.ovcttac.gov/victimimpact/>.

(3) Facilitator Requirements and Program Certification. No specific facilitator training or certification is required to facilitate the OVC Victim Impact curriculum. Facilitators are not expected to be content experts; however, they are encouraged to research victim impact topics and consult with appropriate subject matter experts.

l. Stress and Anger Management (Level II and III). Stress and anger management are broad topics that may be addressed as a part of life skills program materials or as stand-alone subjects and are appropriate for prisoners with any sentence length.

(1) Target. Stress and anger management programs shall be available to all level II and III prisoners.

(2) Minimum Program Requirement. NCTI's Crossroads program incorporates and satisfies the minimum requirement for stress and anger management. A specific stress or anger management program may be developed from a variety of other resources to include the base and local community.

m. Sex Offender/Violent Offender Treatment Access (Level II and III). Eligible level II/III prisoners shall have access to sex offender/violent offender treatment. Eligible prisoners

shall be referred through NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) for potential transfer/assignment to these specialized treatment programs.

n. Vocational Training (Level II and III). Vocational training differs from work in that a qualified vocational instructor provides curriculum-based training, documentation of completed labor hours, and upon successful completion of the program participants, receive nationally recognized certification.

(1) Target. The vocational program shall be made available to all level II and III prisoners identified as needing vocational training.

(2) Minimum Program Requirement. The Classification and Assignment (C&A) board shall recommend assignment to the vocational program based upon the prisoner's functional skills test. Brigs shall have sufficient vocational programs to accommodate the historical average number of level II and III prisoners recommended by the C&A board for assignment with a 10 percent surge capability.

(3) Facilitator Requirements and Program Certification. Vocational programs shall meet nationally recognized certification requirements for curriculum and instructor qualifications.

#### 104. PROGRAM ASSIGNMENT AND REVIEW

##### 1. Programming Functions of the Classification and Assignment (C&A) Board.

a. Purpose. The C&A board shall meet at least weekly, or more often if necessary, to review prisoner program plans to recommend changes in programs, custody, housing assignment, etc. Prisoners have the right to appear before this board, unless the prisoner waives the right to appear or is precluded for security or other substantial reasons. Board's recommendations shall be recorded and approved by the brig CO or designee with custody classification overrides approved by the brig CO. Although the C&A board does not directly order a prisoner into a specific correctional program, except for short periods of orientation, it does authorize assignment to a program based on needs of the prisoner, community, brig, and Service. All individual program

changes shall be recommended by the board and final decisions documented in the prisoner's individual confinement record/Correctional Information Management System (CORMIS). In level II/III brig, a unit team management approach may be used.

b. Membership. Refer to article 1640-040, paragraph 204.6.

## 2. Programming Functions of the Disposition Board

a. Purpose. Disposition board evaluates prisoner progress and makes recommendations for restoration/return to duty, clemency (mitigation of discharge, reduction in sentence), parole, mandatory supervised release (MSR), separation, or other action deemed necessary. Primary concern shall be whether or not further confinement will benefit the Service and the prisoner. The disposition board may submit recommendations to the brig CO for changes in programming and submit recommendations to applicable Service Clemency and Parole Board. Board recommendations shall be provided using DD 2715-1 Disposition Board Recommendation. Upon brig CO's signature, disposition board results shall be entered into CORMIS.

b. Membership. The brig CO shall appoint members of the disposition board in writing comprised of, at a minimum, a chairperson (officer or civilian equivalent at level II/III brig and senior enlisted or civilian equivalent at pre-trial/level I brig) and at least two additional senior staff members. Wherever feasible, at level II/III brig one of the members shall be a mental health representative and a staff member from the prisoner's respective Service.

## **SECTION 2. STAFF ROLES AND PROGRESS EVALUATION**

### 201. COUNSELOR/CASE MANAGER ROLE IN CORRECTIONAL PROGRAMMING

1. Counselor/case manager shall be aware of locally available programs and their potential for correction of a given individual. Counselors/case managers shall discuss these opportunities with prisoners and recommend a program schedule tailored to the prisoner's immediate and long-range needs, goals, and plans, which are documented in the prisoner's program plan. The counselor/case manager also coordinates community-based reentry programming and services with the aim to promote the effective reintegration of prisoners back to communities upon release from confinement.

2. Counselors, through the use of individual and group counseling sessions and feedback provided by other personnel, shall monitor a prisoner's progress. This information shall be used to make recommendations to appropriate boards in the housing unit or brig.

3. The counselor/case manager shall combine feedback (e.g., DD 2711-1 Custody Reclassification, DD 2712 Inmate Work and Training Evaluation, DD 2713 Inmate Observation Report, DD 2714 Inmate Disciplinary Report, etc.) from the academic instructor, chaplain, work supervisor, and others to present a total evaluation to the C&A or disposition board as appropriate.

### **SECTION 3. PRISONER RECEPTION AND ORIENTATION**

301. RECEPTION AND ORIENTATION. Reception begins upon initial confinement of the prisoner and includes such admission-processing to include: interviews, tests, and other related activities, including distribution of information on programs and services. New prisoners shall be provided reading materials, be permitted to attend religious services, receive exercise on the same schedule as the general population, and perform limited work assignments applicable during the reception phase of orientation.

#### 1. Reception

a. All briggs shall conduct an initial reception and orientation of new prisoners within 30 days after admission. For prisoners being transferred from another brig within the DoD correctional system, reception and orientation shall be completed within 7 calendar days after admission. The process includes immediate action on new prisoners' problems identified through completion of DD 2710 Inmate Background Summary.

b. Reception includes admission processing, issuance of prisoner rules and regulations, initial screening and evaluation for custody, work, and program participation. Interviews by key staff members, initial custody classification assignment, and instruction in local regulations shall be accomplished. Some processing can be accomplished in a group setting. Prisoners are most impressionable when first confined and are apt to be emotionally upset and worried. The attitude they adopt depends largely on the attitude of staff. Prisoners shall be told exactly what is expected of them and the privileges they may earn including factual information about their status.

c. During reception, pre-trial prisoners shall be given their Uniform Code of Military Justice, article 31(b) rights prior to interviewing the prisoner to obtain confinement related information. Post-trial prisoners do not require such rights advisement. For post-trial prisoners, efforts shall be made to identify what caused them to offend, the programs available to help them solve their own problems, and the local resources available. Any information provided by prisoners during counseling sessions must be on a purely voluntary basis.

2. Orientation. Orientation generally begins upon completion of reception. At a minimum, the orientation program shall cover the following topics:

- a. Purpose of correctional program;
- b. Chain of command/organization;
- c. Inspections;
- d. Work and training opportunities;
- e. Military courtesy and conduct;
- f. Contraband;
- g. Escape and attempted escape;
- h. Interviews and requests;
- i. Explanation of sentence and transfer requirements;
- j. Red Cross assistance;
- k. Emergency leave and telephone calls;
- l. Clemency and parole opportunities;
- m. Mail and visiting;
- n. Custody classification, including incentives;
- o. Daily routine;
- p. Fire and disaster plans;

- q. Education opportunities;
  - r. Religious program and worship services;
  - s. Authorized purchases;
  - t. Function of various boards;
  - u. Medical and dental services;
  - v. AIDS information;
  - w. Rules and regulations;
  - x. Mental health and self-help programs;
  - y. Military and motivational training: military courtesies, moral guidance, personal adjustment, and citizenship; and
  - z. Sexual assault/abuse/misconduct: definition, reporting procedures (restricted and unrestricted), and victims' rights.
3. Documentation. Completion of reception shall be documented in the prisoner's individual confinement record/CORMIS.

#### **SECTION 4. WORK/STUDY PROGRAMS**

401. WORK/STUDY RELEASE PROGRAM. These programs require special authorization by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections).

402. GENERAL MILITARY TRAINING (GMT). Prisoners not awarded a discharge at a courts-martial are assumed to be returning duty. To the degree possible, Service-specific training materials shall be offered to prisoners to complement military training skills. For Navy prisoners, GMT materials shall be utilized. Where a member's command is pursuing administrative separation, the prisoner's individual program plan need not contain military-specific training.

#### **SECTION 5. REENTRY AND PRE-RELEASE**

501. REENTRY. Reentry involves the use of programs and case management promoting the effective reintegration of prisoners back to communities upon release from confinement. Reentry programming and services, which often involves a comprehensive

case management approach, is intended to assist prisoners in acquiring the life skills needed to succeed in the community and become law-abiding citizens. A variety of programs are used to assist prisoners in the reentry process, including pre-release programs, drug rehabilitation and vocational training, and work programs. For prisoners with medical and especially mental illness, an unprepared re-entree into a community is an enormous barrier to successful transition and to their ability to meet supervision conditions, while increasing recidivism risk. For special needs prisoners discharge planning and linkage to past-release services and care in the community is critical.

502. PRE-RELEASE PROGRAM. Planning for prisoners' release begins upon reception, continues throughout confinement, and culminates during the final month(s) prior to release.

1. Core. Core topics presented to level I/II/III prisoners include topics generally associated with Service Transition Assistance/Management Programs (TAP/TAMP). Topics, presented by brig staff or local base resources, may include but are not limited to the following:

- a. Pre-separation counseling;
- b. TAP/TAMP;
- c. Employment/training assistance;
- d. Career coaching/assessment;
- e. Individual Transition Plan;
- f. Financial planning;
- g. Instruction in resume preparation, cover letter, and job applications;
- h. Job analysis techniques;
- i. Job search techniques and preparation;
- j. Job interview techniques;
- k. Information on Federal, State, and local programs providing assistance;

1. Veteran's benefits;
  - m. Disabled Transition Assistance Program; and
  - n. DD 2568 Verification of Military Experience and Training.
2. Case Management Reentry Assistance. At level II/III briggs the prisoner's counselor/case manager shall assist in individualized family reunification/reentry, health care and medication continuity in the community, and residency planning.
3. Out-processing. Final details for release, (e.g., transportation, uniform, gear, finances, and orders) shall be explained and coordinated during this phase. The emphasis of this phase shall vary according to whether or not a prisoner is being returned to a command for further duty.

## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-070

#### CONFINEMENT, RELEASE, TRANSFER

<b>Responsible Office</b>	NAVPERSCOM	Phone: DSN	882-4444
	(PERS-00D)	COM	(901) 874-4444
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<b>References</b>	(a) NAVSO P-6064, Manual for Courts-Martial United States (2008 edition) (b) Uniform Code of Military Justice (UCMJ) (c) NAVPERS 15560D, Navy Military Personnel Manual (MILPERSMAN) (d) MCO 1640.3F (NOTAL) (e) SECNAVINST 5800.11B (f) DoD 1325.7-M of 27 Jul 2004 (g) NAVSO P-1000, Financial Management Policy Manual
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#### **SECTION 1. CONFINEMENT**

##### 101. CATEGORIES OF PRISONERS

##### 1. Legal Status Categories

a. Pre-trial Prisoners. Per reference (a), a pre-trial prisoner is a person subject to reference (b), chapter 47, 10 U.S.C., sections 801-946, who legally has been ordered into confinement, is accused of violating reference (b), chapter 47, 10 U.S.C., sections 877-934, and is awaiting trial or rehearing. Pre-trial prisoners include Service members who are pending the vacation of a suspended sentence that includes confinement. Pre-trial personnel confined in a brig shall be referred to as "pre-trial prisoners."

b. Post-trial Prisoners. A post-trial prisoner is a person sentenced by a court-martial to confinement or death and ordered into confinement by competent authority, whether or not the sentence has been approved by the convening authority (CA).

(1) Adjudged Prisoner. Persons sentenced to confinement by a court-martial, neither deferred nor suspended, awaiting action by the CA.

(2) Sentenced Prisoner. An adjudged prisoner who remains in confinement to serve their court-martial sentence after the CA has acted thereon.

c. Transient Prisoners. A prisoner legally ordered into confinement and held temporarily pending disposition instructions from another command, awaiting transportation to a designated brig, or return to parent unit.

## 2. Special Categories

### a. Bread and Water (B&W)

(1) Authorized by reference (b), article 15, and may be imposed upon any enlisted person within pay grade E3 or below attached to or embarked in a vessel. Confinement on B&W shall not be imposed for more than 3 consecutive days.

(a) Rations furnished to a prisoner undergoing confinement on B&W shall consist solely of bread and water. The amount of bread and water shall not be restricted and shall be served three times daily at the normal time of meals.

(b) B&W may be imposed provided the medical officer pre-certifies in writing that a deterioration of the Service member's health is not anticipated as a result of such action.

(c) Service members serving punishment of B&W shall be confined in a cell and shall be bound by the procedures set forth for a prisoner in a disciplinary segregation (DS) status. They shall not be removed for work or physical exercise.

(d) Good conduct time is not credited for B&W punishment.

### b. Officer Prisoners

(1) Officer prisoners include warrant officers, commissioned officers, cadets, midshipmen, and officer candidates. A report of all officer confinements shall be submitted immediately to NAVPERSCOM (PERS-00D) or CMC (PSL

Corrections) via e-mail. The electronic report, submitted via e-mail, shall contain the officer's name, resident control number (RCN), command, summary of offenses (alleged or convicted), and a point of contact for additional information (Note: Make the document For Official Use Only, Privacy Act Sensitive). If report is by message, in the case of pre-trial confinement of officers, only the fact an officer of a certain pay grade (e.g., O3/O4) has been confined and a summary of the offenses alleged.

(2) Officer prisoners (pre-trial, post-trial, and post-trial dismissed) shall be treated the same as enlisted prisoners.

(3) Officer prisoners are not rendered a salute, not addressed by their grade, and, in order to prevent injury to the officer or others, do not wear ribbons or collar devices at any time except for attendance at court-martial or official functions. Pre-trial officers confined in Navy brigs shall wear their cloth grade insignia on their working uniform if their working uniform allows for such. Post-trial prisoners, officer and enlisted, shall not wear grade insignia, or other accoutrements, on their working uniform.

(4) When transferring pre-trial officers from one brig to another the senior escort shall be an officer of equal or higher grade, or as designated by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections). Post-trial officers may be escorted by qualified enlisted escorts of any grade.

c. Discharged Prisoners. Discharged prisoners confined under provisions of reference (a) shall be treated as any other prisoner. Discharged prisoners do not have to participate in military unique protocols (e.g., salute, drill, physical fitness training (PT), etc.).

(1) In Navy brigs, the working uniform of the Service branch from which discharged shall be properly worn per Service regulations. On the Service tape, the letters "DISCHARGED" shall precede one character space and the appropriate Service branch abbreviation (i.e., USA, USN, USAF, USMC, etc.).

(2) PT. Discharged prisoners shall be allowed the opportunity, but are not required, to participate in organized PT. When participating, they shall follow the same protocols required of non-discharged prisoners.

d. Pregnant Prisoners

(1) Care and management of pregnant prisoners is governed by SECNAVINST 1000.10, OPNAVINST 6000.1B, and MCO 5000.12E. Pregnancy does not preclude confinement in naval brig as long as appropriate prenatal care is provided and there is a military treatment facility (MTF) nearby which can provide for labor, delivery, and management of obstetric emergencies.

(2) Options available in dealing with pregnant prisoners include the following:

(a) If pregnancy of a prisoner presents special or unique situations, it shall be noted the prisoner may request deferment of the sentence to confinement per reference (b), R.C.M. 1101(c).

(b) Clemency may be authorized per SECNAVINST 5815.3J, article 1640-060, paragraph 104.2 of this manual, and Judge Advocate General's (JAG) Manual, sections 0158 and 0159. Clemency in the form of sentence reduction would normally be recommended by the brig only when it is felt further confinement would not benefit the prisoner and the naval service.

(c) A prisoner considering elective abortion shall be permitted to discuss the matter with a medical officer or nurse practitioner and, if desired, with a chaplain or other counselor. Other than offering services of a counselor, medical officer, or a chaplain, brig shall not attempt to influence the prisoner's desires regarding abortion. If a prisoner desires to seek an abortion, she must consult the medical officer for additional guidance. Brig assistance shall be limited to providing necessary transportation and security for visits to the facility where the abortion is performed and follow-up care is provided.

(3) Arrangements for placement of any child born while the mother is in custody must be made as soon as possible after the pregnancy is known. If possible, arrangements shall be made prior to the 7<sup>th</sup> month of pregnancy. It is the responsibility of the expecting mother to decide what care arrangements will be made for her child. Alternatives include placing the child with relatives, in a foster home, or for adoption. The brig shall assist the mother in making arrangements with the Naval Legal Services Office/Fleet and Family Support Center. Infants must be moved to the location of placement directly from the hospital.

The granting of leave for a prisoner to take her child for placement may be considered; however, if not granted, the person designated to provide temporary care shall come to the hospital to receive the child. All expenses involved in the placement of the child shall be borne by the individual.

(4) Following either abortion or delivery, a period of reduced activity is normal. Reduced activities shall be determined by the examining medical officer.

(5) Convalescent leave is not authorized for prisoners after child birth.

e. Other Than U.S. Military Facilities. A report of all naval prisoners placed in pre-trial confinement or serving a court-martial sentence in other than U.S. military facilities shall be marked "For Official Use Only" and submitted to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections), as appropriate, in the following format:

- (1) Name (post-trial only);
- (2) Rate or grade;
- (3) Last four digits of SSN (post-trial only);
- (4) Gender;
- (5) Command ordering confinement;
- (6) Offense(s) charged or convicted (include specification(s));
- (7) Date confined;
- (8) Where confined;
- (9) Sentence (include discharge, if any);
- (10) Anticipated release date from confinement or from military control (including administrative discharge, if appropriate);
- (11) Point of contact and telephone number; and

(12) Remarks.

f. Civilian Prisoners. Civilians (not to include discharged prisoners) confined under provisions of reference (b) (to include DoD Instruction 5525.11 and SECDEF Memo 10 March 2008 (Subj: UCMJ Jurisdiction Over DoD Civilian Employees, DoD Contractor Personnel, and Other Persons Serving With or Accompanying the Armed Forces Overseas During Declared War and in Contingency Operations)), or under an order issued by a military tribunal/military commission, are subject to the same rules and regulations, and shall be accorded the same treatment as military prisoners. A person arrested or charged with a violation of 18 U.S.C., chapter 212, sections 3261-3267, who is to be detained temporarily shall, to the extent practicable, be detained in areas that separate him or her from military pre-trial and post-trial prisoners. Civilian prisoners shall not be required to wear any military uniform or engage in any military or physical training or acts of protocol other than normal civility. They must observe the regulations governing behavior and security control of prisoners. Civilian prisoners may be assigned appropriate work and may draw health and comfort items if they are without funds or income. A report of the circumstances of all civilian confinement shall be immediately submitted to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections). Name and last four digits of SSN of civilian pre-trial prisoners shall be omitted and reported via telephone.

g. Status of Forces Agreement (SOFA). Service members may be held in brigs pending action by a foreign civil court. DD 2707 Confinement Order, shall show in the remarks section: "Confined to ensure presence at the court per the SOFA agreement between the United States and (host country)."

h. Foreign Military Personnel. Confinement of foreign military personnel in naval brigs is normally precluded by 22 U.S.C., section 706 unless the President makes a declaration that the confinement of members of a given friendly force is necessary for the maintenance of discipline. In addition, North Atlantic Treaty Organization SOFA of June 1951, article VII, paragraph 7(b) directs that sympathetic consideration be given to a request for assistance in carrying out a sentence to confinement properly announced by the authorities of the sending state. Requests for such authorization shall be forwarded to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) who shall coordinate with the Office of

Judge Advocate General, International Law Division, and Under Secretary of Defense for Personnel and Readiness (Program Integration/legal policy).

102. DESIGNATION OF INITIAL PLACE OF CONFINEMENT

1. Criteria. When the convening authority orders a sentence of confinement, that action shall designate an initial place of confinement per criteria of this article and on the basis of time remaining to be served on the approved sentence, without credit for good conduct time. Designation of subsequent place of confinement may be directed by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections), taking into consideration the naval corrections system.

2. Convening authorities and confining commands may request to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) for re-designation of the place of confinement via the echelon 2/3 command for a confined member when any of the following conditions prevail:

a. Prisoner has previously escaped or attempted escape from the brig and adequate security to prevent repetition does not exist at that command;

b. Prisoner has been involved in a serious disorder or act of violence;

c. Prisoner's behavior is such that they constitute a serious custodial problem, or seriously disrupts the brig program or operation, and the brig does not have adequate segregation capabilities;

d. Prisoner is a relative or close friend of any brig staff member;

e. Prisoner is a former staff member of the brig, or a companion case where separation of members is required;

f. Length of confinement, gender, programs availability, and Department of Defense (DoD) confinement level designation does not conform to mission needs; or

g. Existing inter-service support agreements.

3. Convening authority shall consider the above factors when designating a place of confinement. Requests for transfers for the above reasons shall be submitted for action to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections). Convening authorities shall be notified of a transfer prior to their actions.

4. Use of Other Military Confinement Facilities. If naval personnel are to be confined in the confinement facilities of another Service, they shall first be processed per the provisions of this article. Prior to any command entering into an agreement with another Service for joint usage of a brig, a copy of any proposed draft agreement shall be forwarded to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) for review and comment prior to finalization of the agreement. This shall ensure conformance to DoD guidelines on confinement agreements and memoranda of understanding.

#### 103. USE OF NAVAL BRIGS BY CIVILIAN JURISDICTIONS

1. Procedure. Requests by Federal, State, or local law enforcement agencies to use a brig to confine a civilian shall be made in writing by the originating agency at least 7 days before the desired date of detention. Such requests shall be staffed through the echelon 2 commander of the brig and NAVPERSCOM (PERS-00D) or CMC (PSL Corrections), who shall coordinate with the Assistant Secretary of the Navy, Manpower and Reserve Affairs and the Under Secretary of Defense, Personnel and Readiness. When time does not allow forwarding of written communication, such requests may be processed through the above specified chain of command by facsimile or e-mail. Telephone requests shall be considered only in emergencies.

2. Guidelines. When requests to confine a civilian are approved by proper authority the following guidelines apply:

a. Military personnel shall not provide supervisory or security measures such as cell supervisors or escort duties for such prisoners. Civilian prisoners shall remain under authority and control of non-DoD civilian law enforcement agents at all times;

b. Civilian escorts shall secure their weapons at the weapons locker or other secure space;

c. Prisoners shall be confined in an area having a minimum of traffic and where there will be no contact with military prisoners;

d. If perimeter or exterior security measures are required, they shall be provided by the using agency, subject to authorization by the brig commanding officer (CO); and

e. If there is an attempt to breach security, and if it becomes imperative for personnel guarding the prisoner to have weapons to protect the prisoner's life, weapons shall be returned and they may be taken into the cell block. If this situation arises, NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) shall be notified immediately.

3. Support. The following are authorized support on a reimbursable basis, insofar as possible:

a. Cell/quarters space;

b. Food for staff and prisoners; and

c. Medical care on an emergency basis until appropriate transfer can be arranged.

#### 104. AUTHORITY TO ORDER PRE-TRIAL CONFINEMENT

1. Officers/Midshipmen/Cadets/Civilians. Commissioned officers, warrant officers, midshipmen/cadets, or civilians may be ordered into confinement only by a CO exercising command authority over them. This authority may not be delegated (reference (a), R.C.M. 304(b)). Orders to confine may be written or oral and delivered in person or by another commissioned officer. Civilians may only be restrained under these rules when they are subject to trial by court-martial.

2. Enlisted Personnel. An enlisted person of the naval service may be ordered into confinement by an order, written or oral, of any commissioned officer and delivered in person or through any other person subject to reference (a). COs may authorize warrant officers, petty officers, or noncommissioned officers to order enlisted persons of their command, or subject to their authority, into arrest or confinement (reference (a), R.C.M. 304(b)). This authority shall not normally be delegated to grades below the grade of E6.

105. PRE-TRIAL CONFINEMENT

1. Suspect's Rights and Acknowledgement/Statement (see JAGMAN, 0170) shall be provided to each pre-trial prisoner upon initial confinement. Brigs shall have prisoners certify and acknowledge by signature and initials the receipt of these article 31(b) rights.
2. Pre-trial prisoners shall be informed on procedures by which pre-trial confinement shall be reviewed.
3. Notification and acknowledgment of the requirements contained in paragraph 105.1 and 2, above, shall be accomplished and shall be signed by the person being placed in pre-trial confinement and the staff member explaining the above provisions. This notification and acknowledgment shall be made a permanent part of the pre-trial prisoner's individual confinement record/Corrections Management Information System (CORMIS). Notification shall be completed at the time of confinement.
4. Inform Parent Command. If the person is confined by other than that person's CO (e.g., a straggler returned to the ship's homeport when the ship is deployed), the brig shall have a standard message format prepared for informing the person's parent command of pre-trial confinement.

106. REQUIRED RECORDS AND DOCUMENTS

1. Confinement Order. A properly completed DD 2707 Confinement Order, with details of offense(s) and medical certification of fitness for confinement must accompany the prisoner to the brig at the time of confinement, except in an emergency where oral confinement is properly directed. Details on proper completion of the confinement order may be found in article 1640-080 of this manual.
2. Results of Trial. If the confinement results from a sentence adjudged by a court-martial, the confinement order shall be accompanied by a DD 2329 Record of Trial by Summary Court-Martial, signed by the summary court-martial officer, or a Report of Results of Trial signed by the trial counsel of the special or general court-martial imposing the punishment.
3. Pre-trial agreement where applicable.

4. DD 2704 Victim/Witness Certification and Election Concerning Inmate Status. A completed DD 2704.

5. Medical Record. Original medical record shall accompany the prisoner (if not available a temporary medical record shall be created by brig medical personnel).

6. Dental Record. Original dental record shall accompany the prisoner (if not available a temporary dental record shall be created by brig medical personnel).

7. Service Record. Service records are not maintained at the brig. Where not electronic, service records shall be transferred per reference (c) (Navy) or reference (d) (Marine Corps), except in cases of non-judicial punishment directing confinement to B&W.

107. MEDICAL EXAMINATION/INITIAL EXAMINATION. Before acceptance of persons for confinement, they shall be examined, or screened, by qualified medical personnel to determine fitness for confinement to identify any medical problems, and to provide recommendations to the brig regarding appropriate medical care. Member's medical record, when available, shall be provided to the examining medical personnel at the time of the pre-confinement medical examination.

1. Credentialed and privileged medical officers, nurse practitioners, and physician assistants can perform confinement physical examinations. When a qualified medical examiner is not available (e.g., after regular working hours), medical screening for confinement may be performed by a designated, qualified hospital corpsman. A brig medical officer or other medical officer designated to supervise medical services for the brig shall designate such hospital corpsmen qualified to perform this interim medical screening. A corpsman (IDC) assigned to the brig may perform medical screening if designated by the brig medical officer. In all cases, the prisoner shall be examined by a qualified medical examiner within 24 hours of confinement.

a. This examination includes, at a minimum, a review/observation of the following:

(1) Current or past medical conditions, including mental health problems and communicable diseases;

(2) Current medications, including psychotropic;

(3) History of hospitalization, including inpatient psychiatric care;

(4) Suicidal risk assessment, including suicidal ideation or history of suicidal behavior;

(5) Use of alcohol and other drugs including potential need for detoxification;

(6) Dental pain, swelling, or functional impairment;

(7) Possibility of pregnancy (test);

(8) Cognitive or physical impairment;

(9) Behavior, including state of consciousness, mental status, appearance, conduct tremor or sweating;

(10) Body deformities and other physical abnormalities;

(11) Ease of movement;

(12) Condition of the skin, including trauma markings, bruises, lesions, jaundice, rashes, infestations, recent tattoos, and needle marks or other indications of injection drug use; and

(13) Symptoms of psychosis, depression, anxiety and or aggression.

2. Physical limitations to full duty performance shall be specified in writing by the examiner. Examining official shall note on the original confinement order the presence of cuts, bruises, unusual marks, and the administration of a pregnancy test (where applicable). Persons ordered into confinement displaying irrational or inappropriate behavior which is symptomatic of mental disturbance or effects of hallucinatory substances or alcohol shall be referred to a military treatment facility (MTF) where the requirement for hospitalization shall be determined. Provisions of NAVMEDCOMINST 6520.1A shall be followed when dealing with prisoners with suspected suicidal behavior.

3. In the absence of the prisoner's medical record at the time of initial confinement or transfer, the medical officer shall

evaluate and document the need to continue medications the prisoners report they are currently taking.

4. B&W. A sentence to confinement on B&W may be executed only if a medical officer examines the Service member and certifies fitness in writing. Medical certificate must explicitly state "Fit for confinement on Bread and Water" (hand-written by medical officer), that service of such sentence will not, in the medical officer's opinion, produce serious injury to the health of the member.

5. Re-certification. Re-certification of fitness for confinement is not required except for cause. Any interruption of confinement from briggs for periods over 24 hours (e.g., return from deferment of adjudged prisoner, placement in a civilian confinement facility, temporary absence, return from supervision, etc.) shall necessitate a new physical examination. Examinations may be requested for shorter periods when circumstances indicate. Prisoners transferred between military confinement facilities shall not require a new medical examination unless unusual circumstances exist. Any prisoner returning from emergency leave, regardless of length of leave, shall have a re-certification of fitness for confinement at the time of confinement.

6. Refusal to Take Confinement Physical. If a prisoner refuses to allow authorized medical personnel to perform the initial or re-certification physical examination, the following applies:

a. Individual shall be directly ordered to undergo the examination;

b. If the order is refused, it is acceptable for medical personnel to make a determination regarding fitness for confinement from medical records, audible information, and what they are able to observe. Individual's refusal and determination of fitness via observation and records shall be noted on the confinement order;

c. If medical personnel cannot make the determination of fitness, the individual shall be accepted into confinement and rescheduled for physical exam when the medical officer deems appropriate and:

(1) Annotate on the confinement order that the individual refused the confinement physical and a physical shall be rescheduled when the medical officer deems appropriate;

(2) Annotate, similar to paragraph 107.2, stating the reason why a determination could not be made;

(3) Retain prisoner in administrative segregation, as appropriate, pending determination of fitness for confinement; and

(4) Do not allow prisoner into the general population without a completed and proper medical examination, (e.g., not an examination based on records review and observation only, etc.); and

d. Prisoners may be charged under reference (b) for failing to obey a lawful order by the medical officer.

#### 108. LOGISTICAL SUPPORT BY CONFINING COMMAND

1. Uniform items required by the brig shall accompany the prisoner at the time of confinement.

2. Health and comfort supplies sufficient to last for the period of confinement, or up to 1 month, whichever is shorter, shall accompany the prisoner to the brig and shall be provided by the command ordering confinement.

#### 109. INITIAL REVIEW

1. Directive. Determination of the need for continuation of pre-trial confinement shall be per reference (a), R.C.M. 305(h)(2). Unless the prisoner's CO was the officer who ordered the pre-trial confinement under reference (a), R.C.M. 305(d), the prisoner's CO must complete review of the pre-trial confinement under reference (a), R.C.M. 305(h).

2. Local Support. Initial reviews shall normally be conducted at the brig. Brigs shall provide timely notification to the Initial Review Officer (IRO), also referred to as Magistrate, within 24 hours of initial confinement. An area shall be provided at the brig for holding such reviews. Every effort shall be made to provide an atmosphere appropriate for a review per reference (a), R.C.M. 305(i).

3. IRO Package (Documentation). The IRO package, to include results of the review hearing, shall be placed in the prisoner's individual confinement record. In cases where the IRO hearing is conducted in places other than the brig, the confining command shall provide the brig with the IRO package to include hearing results.

#### 110. COMMAND VISITS

1. Purpose. Prisoners who will return to their parent command continue to be the responsibility of that command. Command visits are designed to retain identity with the parent command and to reinforce to prisoners that this remains their primary chain of command.

2. Procedures. COs shall establish procedures for visiting at least weekly each prisoner who will return to their parent command for duty. This visit shall be made by a representative of the parent command (E6 or higher with the authority to act on the CO's behalf). When the prisoner's command is on extended deployment, it is the responsibility of the immediate superior in command to continue to provide for command visits. It is improper to delegate command visits unless the confining command is at sea or is remotely situated. For remotely situated commands (i.e., over a 200 mile radius), echelon 2 commanders shall designate command visit intervals, but shall ensure at least weekly telephone/video teleconference interviews with prisoners or their correctional counselors/case manager/Service liaison. Remote command visits shall be documented and provided to the brig by facsimile or e-mail. Chaplains shall not serve as the CO's representative to visit prisoners. Chaplain's role in the rehabilitative process, including the visiting of prisoners, has a value distinct from that of being a command representative. Documentation of each command visit shall be made a part of the prisoner's individual confinement record.

3. Service liaisons assigned to level II/III brigs may conduct command visits for like-Service prisoners on behalf of the confining command. Documentation of each command visit shall be provided to the confining command and made part of the prisoner's individual confinement record.

4. Notification. Command visits may require prior coordination with the brig. Prisoners returning to duty may be returned to their command for these visits.

**SECTION 2. RELEASE**201. TEMPORARY ABSENCE (TA)

1. General. TA of prisoners from brig for investigations, trial, work, legal visits, and other authorized purposes is permitted when approved by the brig officer or designee. The DD 2708 Receipt for Inmate or Detained Person, is required when a prisoner is escorted outside the security perimeter for any reason.

a. TAs should be limited to normal working hours in order to ease administrative procedures. Time of return of the prisoner to the brig shall not extend past normal recall for working parties. If, however, it is necessary to detain the prisoner outside the brig past that time, the prisoner's escort shall call the brig's control center no later than 15 minutes prior to recall and request an extension, citing the reason(s) for delay. Overnight absences are necessary in some outlying areas and are acceptable, providing the brig officer has been notified beforehand and a completed DD 2708 noting the overnight authorization is on file at the control center. When a prisoner is absent overnight, the brig officer or designee shall determine if a physical re-examination is required.

b. Investigative Services. Prisoners shall not be placed on TA to perform investigative services for a military or Federal law enforcement agency unless authorized by a 2<sup>nd</sup> echelon commander (Navy) or general court-martial convening authority (Marine Corps).

2. Hospitalization. In those cases involving emergencies, specialized treatment or evaluation, or psychiatric treatment which cannot be deferred and require hospitalization, the following procedures shall apply:

a. A DD 2708 shall be used and indicate the prisoner's custody grade, offense, and whether the prisoner is considered a threat to themselves or to others. The brig shall provide any additional information that may assist the hospital in the treatment and supervision of the prisoner. A copy of the DD 2708 shall be provided to the hospital. In emergencies, a staff member from the brig shall remain with the prisoner until the DD 2708 is prepared.

b. Prisoners capable of being released from in-patient mental health treatment shall be returned to the brig directly from the treatment facility. Prior to release from the hospital, the psychiatrist or attending medical provider shall consult with the brig medical officer or clinical services director to establish a medical care plan. The brig officer shall ensure that a full range of psychiatric hospitalization services are available for prisoners in advance of need. There should be a memorandum of understanding (MOU) in place between the regional military treatment facility (MTF), brig, and the forensic hospital in the event a prisoner is beyond the management of the regional/local MTF. The MTF remains the "gatekeeper" for referral of the prisoner to the forensic facility, but the brig shall have responsibilities within the MOU for security requirements of the forensic facility.

c. Medium inside (MDI)/medium outside (MDO), minimum (MIN), or installation custody (IC) prisoners in need of hospitalization shall be turned over to military hospital security personnel for admission. The brig shall contact hospital security personnel during each count to verify prisoner's presence. Prisoners admitted to non-MTFs shall be administered per their custody classification. Any prisoner telephone use or personal visitation shall be pre-approved by the brig officer and, if approved, monitored by security staff.

d. The brig shall, at a minimum, provide a 24-hour watch of hospitalized maximum (MAX) custody prisoners. In the case of MAX custody pre-trial prisoners, the parent command normally shall be responsible for providing the 24-hour watch.

e. As soon as prisoners no longer require hospitalization, they shall be returned to the brig for completion of confinement, utilizing the DD 2708. Prisoners who remain hospitalized upon completion of confinement shall be permanently released from the brig.

f. Visitation while hospitalized shall be per hospital security guidelines in consultation with the brig.

g. Status. Hospitalization while confined counts day-for-day as time in confinement.

3. EMERGENCY LEAVE. Emergency leave may be granted to prisoners per references (c) (Navy) and (d) (Marine Corps).

## 202. RELEASE FROM CONFINEMENT

1. Authority. Any CO of a prisoner with special or general court-martial convening authority, an officer appointed under regulations of the Secretary concerned to conduct the review under reference (a), R.C.M. 305 or, once charges have been referred, a military judge detailed to the court-martial to which the charges against the accused have been referred, may direct release from pre-trial confinement. For this subsection, "any commander" includes the immediate or higher commander of the prisoner, and the commander of the installation on which the brig is located (Marine Corps). The brig CO shall authorize release of the prisoner under the following conditions:

a. Under the provisions as expressed above for pre-trial prisoners;

b. Upon expiration of the term of confinement;

c. Upon release to supervision directed by the Service clemency and parole board; or

d. Upon direction of convening/appellate authority.

2. Release Order. A DD 2718 Inmate's Release Order, shall be prepared to affect every final release from the brig. It shall indicate the prisoner's name, RCN, branch of Service, organization, specific reason for release, and signature of authorizing official and be marked "For Official Use Only." Upon release from confinement, acknowledgement of receipt of prisoner by command representatives shall be obtained on the DD 2718. A copy shall be retained by the brig.

## 3. Administration

a. Leave pending completion of appellate review may be required for certain personnel whose sentences include an unsuspended punitive discharge. Procedures are set forth in reference (c), articles 1050.310-340, BUPERSINST 1900.8D (Navy), and reference (d) (Marine Corps).

b. For Navy prisoners, policy relating to temporary additional duty and temporary duty assignments may be found in the reference (c), articles 1640-060/070.

c. Brigs shall ensure appropriate Victim/Witness Assistance Program notifications are accomplished per reference (e) upon release.

d. DD 2791-1 Prisoner's Acknowledgment of Sex Offender Registration Requirements, and DD 2791 Notice of Release of Military Offender Convicted of Sex Offense, are completed as required prior to release.

e. Per 42 U.S.C., before release from confinement, all convicted sex offenders shall receive notification of sex offender treatment programs in the community to which they will be released. At least one treatment source must be provided and this referral shall be documented in the individual confinement record. The following clearing houses can be contacted for assistance in identifying sex offender treatment programs:

Safer Society Foundation  
P O Box 340  
Brandon, VT 05733-0340  
(802) 247-5141

Association for the Treatment for Sexual Abusers  
4900 SW Griffith Drive, Suite 274  
Beaverton, OR 97005  
(503) 643-1023

4. Return of Personal Effects. When released from confinement, and upon receipt of personal effects, prisoners shall sign the statement, "I acknowledge the return of all my personal effects" at the bottom of NAVPERS 1640/17 Inventory and Receipt of Valuables, Clothing and Personal Effects. The custodian shall then write or stamp, "Account closed on (date)" on the form.

5. Release

a. The release date is the date confinement is completed, and is determined by reducing the full term of all sentences to confinement by proper credits and adjustments as described in reference (f).

b. Prisoners scheduled for release on weekends or holidays shall have all necessary administrative procedures completed no later than the workday immediately preceding such days; however, the prisoner shall be released on the actual release date. When

a prisoner is scheduled for release on a weekend or a holiday, the prisoner's command shall be notified the week prior to the prisoner's release.

c. Service members serving a sentence to B&W shall serve the entire portion imposed unless it is remitted or suspended. Service members shall be released on weekends and holidays, as applicable, and shall be released to a command representative.

d. No prisoner shall be held in confinement beyond the normal scheduled release date.

e. Release of prisoners subject to mandatory supervised release (MSR) processing shall be administered per the provisions of DoD Instruction 1325.7 and applicable correctional Service headquarters and Service clemency and parole board procedures.

f. A prisoner may voluntarily forfeit good conduct time, earned time, and special acts abatement in order to complete offense-specific treatment or for other good cause (see article 1640-090).

g. Prisoners shall be released during normal working hours. Exceptions to this policy (e.g., B&W, other) shall be coordinated in advance between the confining command and the brig officer. Any time in confinement served during the day, regardless of how much time or how many meals were consumed, counts as a whole day.

### **SETCION 3. TRANSFER**

#### 301. GENERAL POLICY

##### 1. Authorization

a. Pre-trial prisoners are generally confined at the nearest military confinement facility from the confining command or as directed by Service policy. Exceptions to this policy are if a prisoner's life or safety is seriously threatened or if the court-martial is to be held in a different location from where the prisoner is presently confined and there is a brig closer to this locale than the present place of confinement. Requests for transfer shall be coordinated between the confining command and the appropriate Service corrections headquarters. The parent command must bear the cost of all expenses, including escort expenses, involved in effecting the transfer.

b. Post-trial prisoners whose sentence exceeds confinement limitations of the brig shall be transferred to an appropriate brig as designated by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections).

c. Confinement Enroute for Further Transfer. Returned absentees, deserters, and courts-martial prisoners received in transit for further transfer to another place of confinement shall not be joined to the rolls of the command at intermediate stops. An individual confinement record need not be prepared for transient prisoners. Transient prisoners who are improperly clothed shall not be exposed to public view in the course of their transportation.

d. Coordination with Receiving Command. Transportation of prisoners between military confinement facilities shall be closely coordinated to accomplish a safe transfer. Transfer of prisoners must be accomplished in the most inconspicuous manner possible.

## 2. Procedures

a. Transportation shall be arranged to avoid arrival at the destination outside normal work hours, except in unusual circumstances. Advance notice shall be furnished to the receiving facility to arrange for efficient reception processing of prisoners and for any logistical support required by the escorts. Details shall be confirmed at least 24 hours prior to transfer.

b. Custody of prisoners is normally turned over at the receiving brig. The senior escort shall, and other escorts may, as required, remain with the prisoners until they are receipted for by the receiving brig.

c. The transferring brig shall utilize DD 2708 Receipt for Inmate or Detained Person. An original DD 2708 and two copies shall be prepared. One copy is retained by the transferring brig and the original and one copy accompany the prisoner. A signed receipt is retained by the transferring brig and the second signed copy is returned to the receiving brig. The original confinement order shall accompany their record. There is no necessity for a new physical examination unless the receiving

brig has reason for cause. If the receiving brig desires a new physical, the brig shall release the escorts and obtain the physical.

d. Transfer of Prisoner Records, Funds and Valuables, and Personal Property

(1) Transfer of Prisoner Records. The transferring brig shall make a copy of the prisoner's individual confinement record (only those documents not contained in CORMIS shall be copied) for local retention. This does not apply to temporary absences. The following records and documents shall accompany a prisoner's transfer (omit if contained in CORMIS):

(a) DD 2715-2 Inmate Summary Data;

(b) Certified true copy of the convening authority's action (if applicable);

(c) Medical and Dental Records;

(d) DD 2708;

(e) Victim Witness Assistance Program record (shall be placed in a sealed envelope with the notation "Not Releasable without Permission by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections)"); and

(f) Place all applicable records in an appropriately sealed envelope marked "For Official Use Only." Print the prisoner's name, RCN, point of departure, and destination on the outside of the envelope. Record the contents on a NAVPERS 5000/64 Records Transmittal, with an original and three copies. Distribute original to the receiving command, first copy to the senior escort (receipted by the receiving command), second copy to the personnel officer at the point of departure, and the third copy to the brig (receipted by the senior escort). All envelopes shall be placed in a suitable carrying container along with the original and first copy of the NAVPERS 5000/64, for delivery to the senior escort.

(2) Funds and Valuables

(a) Funds and valuables of prisoners being transferred shall be inventoried by the custodian or assistant of

the brig, certified by the prisoner's signature, and placed in a separate envelope marked "For Official Use Only" along with a signed copy of the inventory. Signed original of the inventory shall be retained by the brig at the point of departure as a receipt and a copy given to the prisoner concerned. Outside of each envelope shall be identified with name, RCN, point of departure, and destination (but shall not indicate the nature or identity of the contents). Receipting process for Funds and Valuables envelopes in transit shall be recorded on the NAVPERS 5000/64 by making a "FV" or "None" entry following the prisoner's name.

(b) The number of both records and funds and valuables envelopes accompanying the draft shall be indicated on the NAVPERS 5000/64. Both the senior escort and the receiving brig representative shall receipt only for the proper number of envelopes. New funds and valuables inventories shall be prepared by the designated place of confinement as a part of their receiving process.

(3) Personal Property. Personal property of prisoners shall be inventoried on NAVPERS 1640/17 Inventory and Receipt of Valuables, Clothing and Personal Effects and packed in a suitable container marked "For Official Use Only" (suitcase, sea bag, duffle bag, or box) and sealed with a copy of the inventory inside and name, RCN, point of departure, and designated destination clearly marked on an attached shipping tag or other suitable marking which does not deface or damage the container. Receipting for personal property shall be accomplished by memorandum in the same sequence and distribution prescribed for NAVPERS 5000/64 described above. The transferring brig is responsible for coordinating with the receiving facility for determining what personal property can be accepted at the receiving site. All personal property in excess shall be shipped at the prisoner's expense prior to transfer. The prisoner has the option of disposing of personal property prior to transfer.

### 302. TRANSFER FROM PARENT COMMAND

1. For Navy prisoners, policy relating to temporary additional duty and temporary duty assignments may be found in reference (c), articles 1640-060, and 070.

2. Marine Corps prisoners whose adjudged sentence to confinement is 90 days or less or whose sentence does not include a punitive discharge shall be returned to their parent command upon completion of confinement.

3. Marine Corps prisoners whose adjudged sentence to confinement is 91 days or more and contains a punitive discharge shall be transferred to the applicable Long Term Prisoner Reporting Unit Code (RUC) for the responsible command as determined by CMC (PSL Corrections).

4. Marine Corps prisoners shall be subject to transfer prior to convening authority action.

### 303. ESCORTS

1. ESCORT TRAINING. Escorts from the brig staff shall receive the same training as all other staff members. Escorts furnished by other commands shall be trained and certified by the brig training supervisor prior to assumption of duties. A specialized training course consisting of no less than 8 hours, which includes a proficiency test, shall be successfully completed prior to certification as a qualified escort. All personnel assigned to escort duties shall be thoroughly trained in the safety and proper use of restraining devices in the performance of escort functions. Law enforcement or Master-at-Arms members of a command may be assigned as prisoner escorts without brig escort training. A NAVPERS 1640/18 Prisoner Escort Identification Card shall be issued upon completion of training. Annual re-certification is required and certification may be revoked at the brig officer's discretion. Navy brigs shall follow the standardized prisoner escort certification course provided by NAVPERSCOM (PERS-00D).

#### 2. Means of Travel

a. Government Vehicle. A government-owned bus or other vehicle shall be used for short trips. A frequently used bus or vehicle shall be equipped with security screens for protection of escorts and driver. Buses shall be equipped with a portable type toilet to eliminate comfort stops.

b. Prisoners in a patient status shall normally be transferred by aero-medical evacuation per OPNAVINST 4630.9C and

MCO P4630.9A. Local patient transfers and emergency medical transfers shall be determined by the medical personnel. Proper security measures shall always be observed.

3. Security Procedures. Escorts are responsible for security enroute to the destination. Prisoners shall be inspected by the escorts prior to departure to ensure they have no contraband. Prisoners must not have identification cards, money, sharp instruments, tools, keys, matches, etc., in their possession. Supervision must be continuous during transportation to prevent the prisoner from obtaining contraband that may aid in taking hostages or hijacking the vehicle. The senior escort shall be present when a prisoner is strip searched prior to departure (except when the senior escort is not of the same sex as the prisoner).

4. Brig/Command Escorts. Prisoners being escorted to appointments outside of the security perimeter of the brig shall be escorted by brig staff or qualified escorts from the confining command.

a. Brig staff shall not be used to pick up or deliver stragglers, absentees, or deserters unless authorized by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections).

b. Shorts, skirts, dresses, unit/organizational PT gear, or clothing with Service logos or emblems shall not be considered appropriate attire for escorts or prisoners.

c. Under no circumstances shall a prisoner be restrained by being secured to any portion of any type of transport.

d. Illness. In the event a prisoner becomes ill in transit with no medical assistance available, arrangements shall be made for examination by a qualified medical officer as soon as possible. If the prisoner is unable to continue the trip, he/she shall be taken to the nearest military hospital, Federal hospital, or civilian hospital and a receipt obtained for the prisoner. Immediately contact the brig for further instructions.

e. Death. If a prisoner dies in transit, the brig, military and civilian law enforcement agencies, and NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) shall be notified as soon as possible.

f. Escape. If a prisoner escapes in transit, the senior escort shall exhaust all resources immediately available in apprehending the prisoner, then take immediate action to contact the nearest law enforcement agency. The brig, military law enforcement, and NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) shall be notified as soon as possible. Under no circumstances shall supervision of other prisoners be relaxed in order to pursue an escaping prisoner.

304. TRANSPORTING FEMALE/PREGNANT PRISONERS

1. Transports shall include at least one trained escort of the same gender as the transported prisoner.
2. Standards to ensure safety of prisoners during transport is identical for male and female prisoners, except there shall be continuous separation between female and male prisoners.
3. Where a restraining belt is directed for use on a pregnant prisoner, medical personnel shall check for proper application.
4. Full security measures, per the prisoner's custody level, shall be in effect while in a pregnant prisoner's first trimester.
5. Prisoners who are pregnant beyond the first trimester shall be restrained only with handcuffs (if their custody level requires the use of restraints), unless additional restraints are authorized by the brig officer after consultation with medical staff.
6. Brig staff shall not use restraints on a prisoner in labor, during delivery, or in recovery immediately after delivery; however, during transport by ambulance, a staff member possessing a full set of restraints shall accompany the prisoner for use in an emergency (i.e., escape attempt or disorder).
7. Escorts shall plan for meal and bathroom breaks, providing sufficient same gender supervision at each location.

305. TRANSFER OF LONG-TERM PRISONERS

1. Transfer to a Military Level III Brig

a. Consolidation of Corrections Within DoD. The Secretary of the Army has been designated as Executive Agent for incarceration of DoD military level III prisoners. In most cases, the U.S. Disciplinary Barracks, Fort Leavenworth, KS, shall be the designated place of confinement for those level III male prisoners who will remain under military control. Naval Consolidated Brig Miramar is designated as the DoD level II and III (DoD Women's Correctional Facility) place of confinement for female prisoners.

b. Criteria. Criteria concerning transfer of level III prisoners shall be issued by DoD Directives and policy issued by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections). Requests for transfer of a prisoner from a brig to level III confinement shall be forwarded to NAVPERSCOM (PERS-00D), as appropriate, for coordination.

2. Transfer to the Federal Bureau of Prisons (FBOP). Transfer of prisoners to the FBOP shall be on a case-by-case basis. (Note: National security risk prisoners shall be maintained in military confinement facilities unless, in a given case, NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) specifically approves a transfer to the FBOP). In the event special circumstances dictate a need for a special request, the following criteria apply:

a. Criteria. The Army (Army Corrections Command), as Executive Agent for level III corrections, shall coordinate all transfers of military prisoners to the FBOP;

b. Procedures. Requests for transfer of a prisoner from a brig to the FBOP shall be forwarded to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections), as appropriate, for coordination;

c. Records. Transfer of records shall be directed by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections); and

d. Personal Property. Personal property shall not accompany prisoners while they are being transferred to the FBOP. Personal property is limited to essential items only and shall be mailed directly to the designated institution; if they will accept mailed property, these items shall fit into a cardboard box no

larger than 15"x12"x10". All other personal property shall be shipped home by the prisoner at their expense. If the prisoner is destitute the brig CO may authorize the use of command funds.

### 3. Psychiatric Transfer to FBOP

a. Criteria. Certain prisoners requiring long-term psychiatric treatment may be transferred to a Federal psychiatric treatment facility.

b. Preliminary Determination for Transfer. If the brig officer determines that a post-trial prisoner suffering from a mental disease or defect requires inpatient psychiatric care, or treatment beyond what is available at the brig or from the local medical command/medical provider/military treatment facility (MTF), the brig officer shall notify the prisoner in writing of the brig's intention to seek transfer of the prisoner to the custody of the Attorney General for care and treatment in a suitable facility. NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) shall be notified immediately.

#### c. Action on Preliminary Determination

(1) Once a prisoner is provided the notice prescribed in paragraph 306.3b, above, the brig officer shall request the area General Court-Martial Convening Authority (GCMA) to convene a hearing to determine whether the prisoner shall be transferred to the custody of the Attorney General for care and treatment in a suitable facility. The request shall provide the factual basis to support a determination requiring care or treatment beyond that available at the brig or local medical command/medical provider/MTF and shall include all relevant documentation (e.g., sanity board results, psychiatric evaluations, medical treatment files, correctional treatment records, etc.).

(2) GCMA may:

(a) Disapprove the request for good cause; or

(b) Approve the request and convene a hearing to determine whether the prisoner suffers from a mental disease or defect that requires inpatient psychiatric care or treatment beyond that available locally.

(3) The convening authority's letter shall be forwarded to the local Naval Legal Service Office (NLSO) and Trial Service Office (TSO)/Base Judge Advocate/Circuit Military Judge and shall state:

(a) The presiding official shall be an officer designated, certified, and sworn as a military judge authorized to try general courts-martial;

(b) The prisoner shall be represented by a judge advocate qualified, certified, and sworn to serve as trial or defense counsel at general courts-martial; and

(c) The interests of the government shall be represented by a judge advocate designated by the TSO/Base Judge Advocate.

(4) The circuit military judge shall detail a military judge for the hearing. Upon detail, the military judge shall schedule a hearing date, affording reasonable notice to counsel and the prisoner.

(5) The local NLSO/Base Judge Advocate shall detail counsel for the prisoner.

(6) Local TSO/Base Judge Advocate shall detail:

(a) Government counsel (if required); and

(b) Court reporter.

d. Hearing Procedures

(1) A prisoner shall be afforded the following rights in connection with the hearing:

(a) Timely written notice of the hearing and of procedural rights;

(b) A personal hearing before an impartial decision maker;

(c) Opportunity to present testimony and documentary evidence;

(d) Opportunity to confront and cross-examine Government witnesses; and

(e) Written findings.

(2) At the hearing, the military judge shall advise the prisoner or their personal representative/attorney, that if the prisoner is unable to make a knowing and intelligent acknowledgment of their rights, that:

(a) The purpose of the proceeding is to determine whether the prisoner suffers from a mental disease or defect that requires inpatient psychiatric care or treatment beyond that available at the brig;

(b) If the government establishes by the preponderance of the evidence that the prisoner suffers from such a mental disease or defect, the prisoner may be transferred to the custody of the Attorney General for care and treatment in a suitable facility; and

(c) The prisoners have the procedural rights enumerated in paragraph 3.d(1)(a) through (e), above.

(3) Both the government and the prisoner shall then be afforded the opportunity to present evidence regarding the present mental condition of the prisoner and the necessity, or lack thereof, for transfer to the custody of the Attorney General for care and treatment. This is an administrative proceeding to which the military rule of evidence (M.R.E.) do not (other than M.R.E. 301-303 and 501-507) apply. Evidence shall be admissible subject to the guidance and limitations applicable to the conduct of formal investigations per JAGINST 5830.1.

(4) Hearing officers, within their discretion, may direct further examination of the prisoners by a different psychiatrist or clinical psychologist.

(5) A hearing officer shall determine whether, by a preponderance of the evidence, the prisoner suffers from a mental disease or defect for which inpatient care and treatment is required beyond that available at the brig. The hearing officer shall make specific written findings; to include a brief statement of the factual basis relied upon for each finding, and

shall make a recommendation as to whether the prisoner shall be transferred to the custody of the Attorney General for suitable care and treatment.

(6) A verbatim transcript of the hearing shall be prepared. All exhibits offered in evidence shall be attached to the hearing record in the manner normally employed in trial by court-martial.

e. Action upon the Record. The GCMA shall review the hearing record and approve or disapprove the findings and recommendations of the military judge. If transfer is disapproved, the hearing record and action shall be transmitted to the brig officer for retention in the prisoner's individual confinement record. If transfer is approved, the hearing record shall be forwarded to the Attorney General as coordinated by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections).

f. Transport of the prisoner to the FBOP shall be coordinated between the FBOP and NAVPERSCOM (PERS-00D) or CMC (PSL Corrections), as appropriate.



## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-080

#### ADMINISTRATIVE MATTERS

<b>Responsible Office</b>	NAVPERSCOM	Phone:	DSN	882-4444
	(PERS-00D)		COM	(901) 874-4444
			FAX	882-2626

<b>References</b>	(a) SECNAVINST M-5210.1 (b) SECNAVINST 5800.11B (c) NAVMED P-117, Manual of the Medical Department, U.S. Navy (NOTAL) (d) BUPERSINST 5800.3A (e) DoD Instruction 1325.7 17 Jul 2001 (f) NAVSO P-6064, Manual for Courts-Martial United States (2008 edition) (g) DoD Instruction 5505.14 of 27 May 2010 (h) NAVPERS 15560D, Navy Military Personnel Manual (MILPERSMAN) (i) Defense Joint Military Pay System Procedures Training Guide (DJMS PTG) (NOTAL) (j) Folio for Navy Standard Integrated Personnel System (NSIPS) (NOTAL)
<b>Exhibits</b>	A. Navy PA Systems of Records Notice NMO1640-1, Individual Confinement Records

#### **SECTION 1. RECORDS AND REPORTS**

##### 101. GENERAL

1. Request for Information. A Privacy Act statement shall be requested before soliciting information for the DD 2710 Inmate Background Summary, and FD-249 Arrest and Institution Fingerprint Card. In addition to these forms, a Privacy Act statement must accompany a request for clemency or waiver of restoration. SECNAVINST 5720.42F, exhibit A, and references (a) and (b) provide requirements pertaining to the release of information.

2. Copies. Various functional units within the brig require certain records and reports in order to function properly. Copies of such records and reports may be maintained on an as

needed basis at those locations with the original records kept in controlled administration files. Units requiring original copies of prisoner records (i.e., clothing inventory, etc.) shall ensure all records are sent to the administrative office when a prisoner is released or when the record is no longer required.

## 102. PRISONER FILES AND RECORDS

1. Unless specifically authorized by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) to allow for split records, an individual confinement record shall be maintained for each prisoner in the brig. Forms with a Corrections Management Information System (CORMIS) equivalent may be used interchangeably. Documents shall be placed in the record as shown below.

- Section 1.   \*- DD 2718 Inmate's Release Order
- CORMIS Sentence Page or DD 2710-1  
Prisoner Sentence Computation
  - DD 2791-1 Prisoner Acknowledgement of Sex  
Offender Registration Requirement
  - DNA Sample Collection Requirements  
Documentation
  - Court-Martial Review Actions
  - Report of Investigation
  - Court Martial Order
  - Report of Results of Trial
  - Pre-trial Agreement Data (if any)
  - DD 2707 Confinement Order
  - Charge Sheet
  - Scars and Marks Worksheet

- Section 2.   \*- Prisoner Hard Card
- NAVPERS 1640/8 Prisoner Conduct Record
  - DD 2714 Inmate Disciplinary Report
  - DD 2713 Inmate Observation Report
  - DD 509 Inspection Record of Prisoner in  
Segregation
  - Certification of Fitness for Disciplinary  
Segregation (local)

- Section 3.   -
- DD 510 Request for Interview
  - DD 2709 Privacy Act Statement
  - FD 249 CJIS Fingerprint Card
  - Photograph of Prisoner

- Section 4.   -
- DD 2719 Continuation Sheet

- DD 2716-1 Certificate of Parole
- DD 2716 Parole Acknowledgement letter
- NAVPERS 1640/25 Earned Time and Special Acts Abatement Worksheet
- DD 2715 Clemency and Parole Submission
- DD 2711-2 Custody Initial/Reclassification Summary Addendum
- Program Plan
- AIMS Classification Profile
- DD 2711 Initial Custody Classification
- DD 2710 Inmate Background Summary

- Section 5.
- DD 2712 Inmate Work and Training Evaluation
  - NAVPERS 1640/15 Mail and Visiting List
  - Letters disapproving visitors and correspondence
  - Prisoner refusal to accept mail
  - Command Visitation Record (locally produced)

- Section 6. \*- NAVPERS 1640/17 Inventory and Receipt of Valuables, Clothing and Personal Effects
- DD 2708 Receipt for Inmate or Detained Person
  - Prisoner Appointments Information
  - DD 504 Request and Receipt for Health and Comfort Supplies (copy)
  - NAVMC 604 Request for Clothing and Equipment (copy)

\* Indicates forms, which may not be placed in the prisoner's individual confinement record until the prisoner is released.

2. Reactivation. Individual confinement records in storage and scheduled for disposal may be reopened when a former prisoner is returned to confinement. All information shall be updated. When determined a prisoner has been previously confined in another brig and the location is known, a request may be made to the brig officer of that brig for the prisoner's record.

103. LOGS. Where possible and approved by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections), secure and verifiable electronic logs may be substituted (see paragraph 106 below).

1. Brig Log. Brig log is a permanent daily record of the operation of the brig. It is maintained by the control center supervisor on duty and shall include, but not be limited to, the following:

- a. Results of prisoner counts;
- b. Confinement and release of prisoners;
- c. Departure and return of prisoner details;
- d. Change of watch;
- e. Emergency drills;
- f. Disorders and actions taken;
- g. Inspections;
- h. Record of official visitors and purpose of visit; and
- i. Any unusual occurrences.

2. Medical Log

a. The medical log, maintained at brigs with on-site medical staff, is a permanent brig record, with entries documenting visits in chronological order. Entries shall be made by medical personnel, showing prisoner's name, resident control number (RCN), date seen, and name of health care provider. Details of the prisoner's nature of complaint and any treatment administered by health care providers shall follow medical documentation requirements. The log shall be marked "For Official Use Only" and be maintained by brig medical staff. The log shall be secured by brig medical staff at all times; prisoners and unauthorized staff shall not be given access to this log per Health Insurance Portability and Accountability Act regulations.

b. All medication issued shall be properly documented on a NAVMED 6550/8 Medication Administration Record, per reference (c), See exhibit A. Medical staff shall maintain medication records on each prisoner. This record/form, when filled out, contains information which is "For Official Use Only" and shall

only be available to medical staff and the prisoner whose name is on the form. Disposition of the form upon transfer or release shall be per reference (c).

3. Visitors Log. A record of each visit to a prisoner shall be made in the visitor's log. Entry shall show date of visit, time in and time out, visitor's printed name, address, and relationship to the prisoner, name of prisoner visited, signature or initials of the staff member who admits and releases the visitor, and the identity verification source presented (e.g., driver's license, military identification, etc.). When the brig receives an official visitor (e.g., flag officer, inspector, base commander, etc.) the official visitor shall be logged in the brig log per paragraph 103.1, above. When a prisoner receives a personal visitor (e.g., lawyer, chaplain, command, or personal) the visitor shall also be logged in the visitor's log. Local forms may be used to document command visits for documentation in prisoner records.

a. At a minimum, verification of identity presented shall include the visitor's name, photograph, and date of birth. Policy for visitors under the age of 18 shall be set by local requirements.

b. A record of exchanges for mail and visits shall be maintained on each prisoner using NAVPERS 1640/15 Mail and Visiting List.

4. Privileged Correspondence Log. A record of all outgoing and incoming privileged correspondence shall be maintained. This log shall indicate date received/mailed, addresser, addressee, initials of mail supervisor, and signature of prisoner indicating date of receipt. Privileged correspondence shall be delivered unopened and receipted for. Prisoners may have these letters placed in their personal effects at any subsequent time. Inspection of privileged correspondence and the "good cause" for the inspection shall be recorded in this log.

5. Disciplinary Log. A disciplinary log shall be maintained to record each disciplinary report, to include dismissed reports, and the action taken. The log shall contain entries showing the date of the offense, prisoner's name, RCN, offense(s), name of the person making the report, date of action, punishment imposed, and marked "For Official Use Only." Each entry shall be signed by the officer authorized to take action. The disciplinary log

shall be submitted weekly to the brig commanding officer (CO) for review and signature. Where applicable, brigs may maintain two logs, one for minor boards and one for major boards. When approved by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections), an electronic version of the disciplinary log may be substituted. An approved electronic signature format is authorized.

104. PRISONER IDENTIFICATION BADGE

1. Procedures. Four prisoner identification badges, with photograph, shall be prepared during reception and as otherwise required, as follows:

a. Legal status. Appropriately lettered in the colors indicated below:

- (1) Pre-trial prisoner - Black; or
- (2) Post-trial Prisoner - Blue.

b. Custody classification. Appropriately lettered in the colors indicated below:

- (1) Installation Custody (IC) - Brown;
- (2) Minimum Custody (MIN) - Green;
- (3) Medium-Out Custody (MDO) - Yellow;
- (4) Medium-In Custody (MDI) - Orange; or
- (5) Maximum Custody (MAX) or Special Quarters (SQ) - Red.

c. The Resident Control Number (RCN).

d. Photograph. Attach full-face photograph. Prisoner shall not wear a cap or glasses. Grooming standards shall apply. A new photo shall be taken when major facial changes occur or at least updated annually.

e. Service Branch. Prisoner's branch of Service shall be depicted on the badge. Discharged prisoners shall reflect discharge status, (e.g., "DISCHARGED"). Civilian prisoners shall reflect "CIV."

f. Name. Last name and initials.

2. Distribution. The original prisoner identification badge shall be issued to the prisoner and worn in the prescribed manner. The second copy shall be maintained in the control center. The third copy shall be maintained by the quarters supervisor. The fourth copy shall be maintained in the individual confinement record. Where possible, badges shall be organized to match the quarters configuration.

3. Security. Strict control shall be maintained over the paper forms and components of the prisoner identification badge to reduce the possibility of unauthorized alteration or fabrication.

a. When replacement badges are issued, all copies of the old badge shall be destroyed.

b. When prisoners are released from confinement, their badges shall be placed in their individual confinement record for future reference.

4. Name Change. If a prisoner's name is officially changed per applicable Service personnel policy, the brig shall continue to use a prisoner's committed name until the time the prisoner is legally released from confinement. Exceptions to this policy shall be forwarded to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) with supporting justification. Staff shall call prisoners by their committed name and prisoners shall be instructed they must answer when called by their committed name. Name tags shall bear a prisoner's committed name; however, an "also known as" (AKA) individual confinement record shall be established in the administration records office. This AKA record shall be cross-referenced with the record bearing the prisoner's committed name. Mail, visitors, and official business shall be accepted under either name.

#### 105. DAILY CHANGE SHEET

1. At a minimum, the daily change sheet shall indicate all new confinements, reassignments (quarters/work), custody/legal status changes, and scheduled releases.

2. After all entries for the day have been made on the daily change sheet it shall be authenticated and signed by the brig

officer or designee. Copies shall be distributed to applicable departments/posts (to include master control center).

3. CORMIS shall be used to record all updated information contained in the daily change sheet. A CORMIS-based daily change sheet may be generated electronically.

4. After all changes listed on the daily change sheet have been completed, the command duty officer/duty brig supervisor (CDO/DBS) initials that all changes have been completed and recorded, and returns the original copy to the applicable department designated by the brig officer.

106. CORMIS. CORMIS shall be utilized in brigs as required by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections). CORMIS is designed to increase security capabilities, support operational and administrative functions, and provide current information on prisoners to the brig staff and other users throughout DoD corrections. CORMIS is administered by NAVPERSCOM (PERS-00D) and CMC (PSL Corrections). Forms generated in CORMIS may be used in place of equivalent DoD forms. Where CORMIS will automatically update correctional records and reports, manual requirements shall be eliminated. All brigs shall maximize the use of CORMIS.

107. FINGERPRINTS

1. Brigs shall collect and maintain fingerprints on all pre-trial and post-trial prisoners upon arrival for inclusion into the prisoners' individual confinement record via use of the FBI Fingerprint Card. FBI Fingerprint Cards and Final Disposition Reports (FBI/DOJ Form R-84) shall not be forwarded to the FBI.

2. Submission of FBI Fingerprint Cards and Final Disposition Reports to the FBI, per SECNAVINST 5580.1, is a function of criminal investigative, law enforcement/police and security departments of the Department of the Navy (DON). Collection of fingerprints by brigs serve as a backup set for immediate availability in the event of an emergency.

108. VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP)

1. All personnel involved in naval corrections under this manual are also governed by the requirements of the VWAP contained in DoD Directive 1030.1 of 13 April 2004, DoD Instruction 1030.2 of 23 December 1994, MCO P5800.16A, references (b) and (d)

including, but not limited to, the right to be informed about the prisoner's status in confinement, eligibility for parole, parole hearing, escape, transfer, release from custody, and death. Additionally, it is the policy of the DoD and DON to enhance the roles of victims and witnesses in the military criminal justice system, to ensure they are treated with sensitivity and respect, and to recognize their needs. Utmost care and compassion shall be accorded victims, especially when a victim has been sexually assaulted or is a minor. NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) shall provide specific guidance where necessary.

2. Initial notifications shall provide victims and witnesses with information that the prisoner's release date is subject to monthly change with the accrual of good conduct time, earned time (ET), and special acts abatement. Release notifications shall be made upon verification of a final release date (normally within the last 30 days as ET shall not be awarded within 30 days of the scheduled release date from confinement).

109. SEXUAL OFFENDER REGISTRATION PROGRAM. All personnel involved in naval corrections under this manual are also governed by the requirements of the Sexual Offender Registration Program contained in reference (e). NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) shall provide specific guidance where necessary.

110. DEOXYRIBONUCLEIC ACID (DNA) SAMPLE COLLECTION PROGRAM

1. Brig officers shall take steps necessary to collect DNA samples, regardless of Service affiliation, as soon as possible under the following conditions:

a. A member is ordered into pre-trial confinement by a competent military authority after the completion of the commander's 72-hour memorandum required by reference (f), RCM 305(h)(2)(C) if a DNA sample has not already been submitted by appropriate approving authorities as identified within reference (g).

b. A member is confined as a result of any general or special court-martial conviction if a DNA sample has not already been submitted by appropriate approving authorities.

2. Collection of DNA samples from civilians, pursuant to paragraph 6 of enclosure (3) of reference (g), shall be by law enforcement/investigative officials.

### 3. Procedures

a. The mouth swab DNA sample collection kit provided by the U.S. Army Criminal Investigation Laboratory (USACIL) shall be used for collecting DNA samples.

b. All brig staff collecting samples must be trained in collection procedures prior to using the DNA collection kit. The DNA sample collection kit training program is available on the USACIL Web portal at:

<https://usacil.forscom.army.mil/CODIS/default.aspx>. The training program is also available on CD and may be obtained upon request to [codislab@conus.army.mil](mailto:codislab@conus.army.mil) with the subject "Request Training Program CD."

c. USACIL DNA collection kits may be requested from USACIL through its Combined DNA Index System (CODIS) Branch at (404) 469-7258 or [codislab@conus.army.mil](mailto:codislab@conus.army.mil).

d. Brig officers shall collect and expeditiously forward DNA samples from all qualifying members unless determined that a DNA sample has already been submitted by appropriate approving authorities. If unclear as to whether a previous DNA sample has been collected and submitted, verification shall be first obtained from USACIL prior to collection. If a member from whom a sample is authorized to be taken is to be released from confinement before USACIL verification is received, collection of a sample is authorized and shall be held in storage awaiting verification by USACIL. NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) shall provide specific guidance where necessary.

e. USACIL mailing address for DNA kit forwarding and point of contact information follow:

U.S. Army Criminal Investigation Laboratory (USACIL)  
Attn: CODIS Lab  
4930 N 31st Street  
Forest Park, GA 30297-5122  
(404) 469-7023/7258/DSN 797  
[Codislab@conus.army.mil](mailto:Codislab@conus.army.mil)

f. When preparing the USACIL DNA collection kit for submission:

(1) The prisoner's full social security number (SSN) shall be written on the sample card contained within the collection device as well as on the data card. In addition, the prisoner's right index print shall be placed on the data card. Failure to include the SSN and fingerprint as instructed may cause the sample to be rejected. Upon collection of the DNA sample, the appendix to enclosure (3) of reference (g), or equivalent, along with the notice of the general rights for requesting expungement (included in/with the USACIL kit) shall be provided to the prisoner. A completed copy of the appendix to enclosure (3) of reference (g), or equivalent, shall be placed in the prisoner's individual confinement record and uploaded into CORMIS to document this transaction.

(2) An administrative entry using NAVPERS 1070/613 Administrative Remarks, shall document the collection and read as follows: "DNA sample taken this date pursuant to DoD Instruction 5505.14 and forwarded to U.S. Army Criminal Investigation Laboratory (UCACIL) on (date)." The NAVPERS 1070/613 shall be entered into the prisoner's individual confinement record and related information uploaded into CORMIS to document this transaction.

g. Reference (g) provides additional guidance to have DNA records expunged for prisoner's from whom samples are taken and forwarded to USACIL, but who are not convicted of any offense by general or special courts-martial. These expungement procedures are also applicable to members who have a conviction completely overturned or reversed upon appellate review.

## **SECTION 2. PERSONAL PROPERTY**

### **201. ACCOUNTING - FUNDS AND VALUABLES**

1. NAVPERS 1640/17 Inventory and Receipt of Valuables, Clothing and Personal Effects, shall list the quantity of each item received, its description, identifying marks, and other pertinent information. It shall be signed by the staff member who inventories the property and by the prisoner. A signed copy shall be delivered to the prisoner for retention during confinement.

2. On the first workday following receipt of funds or valuables, the custodian shall verify the entries made on NAVPERS 1640/17.

This record shall be utilized to list all funds upon release from confinement and shall become part of the prisoner's individual confinement record.

3. The collection agent/funds and valuables custodian/assistant is responsible for funds other than those in the prisoner's possession upon confinement, to include those received through the mail, received from visitors, or money received from any other source. It is advisable that adequate funds be made available to cover the cost of clothing, haircuts, etc.

4. Daily Ledger. This is a standard ledger that records expenditures and receipts and indicates the balance of the account. The ledger shall be audited daily.

## 202. PERSONAL PROPERTY ACCOUNTING

1. The personal property clerk must accept and preserve or otherwise dispose of all personal property taken from prisoners upon confinement or received by them during confinement, and shall inventory it in their presence. Except for release or transfer requirements, personal property shall be mailed or shipped at prisoner expense to their home or other selected location.

2. NAVPERS 1640/17 shall list the quantity of each item received, its description, identifying marks, and other pertinent information. It shall be signed by the staff member who inventories the property and by the prisoner. A signed copy shall be delivered to the prisoner for retention during confinement.

3. Articles and effects listed on NAVPERS 1640/17 shall be placed in appropriate containers, labeled or tagged with the individual's name, RCN, rate or grade, and properly stored, preferably in a separate storage room and marked "For Official Use Only." Only authorized custodians shall have access to other prisoners' personal property.

4. When released from confinement and upon receipt of their personal effects, prisoners shall sign a statement, indicating receipt of property at the bottom of the inventory form. The custodian shall then write or stamp the words "Account closed on (date)," sign, and file it.

203. EXPENDITURE OF PERSONAL FUNDS. Subject to the approval of the brig officer or designee, prisoners may spend personal funds held in safekeeping for special purposes such as the purchase of educational materials, hobby materials, support of dependents, and payment of legitimate debts. Prisoners shall submit a written request to have a check issued to a specific person, company, etc. The check shall be issued to the designee. Written request shall be kept in the prisoner's individual confinement record to document the existence of such a request. It is recommended such checks require double signatures of staff members authorized to issue checks then forwarded directly to the designee. Expenditures shall not be considered a part of the normal expenditure for health and comfort (H&C) items, clothing, or services. Prisoners shall not be allowed to deplete their account to the point that they cannot meet their requirements for H&C, etc., if in a pay status.

204. EXPENDITURES FOR CLOTHING

1. Prisoners without necessary clothing and known to be in a non-pay status shall be lent organizational clothing by the brig until they can obtain their own.
2. All gratuitous issues and clothing lent to prisoners are chargeable to the operating and maintenance allotment of the brig, or command responsible for furnishing logistic support to the brig.
3. Requests for clothing and small stores shall be submitted on a DD 504 Request and Receipt for Health and Comfort Supplies, or NAVMC 604 Combined Individual Clothing Requisition and Issue Slip.
4. Temporarily confined prisoners for further transfer (FFT), even those in a pay status, may be lent the necessary clothing, if available, for use during a short period of confinement. Normally, FFT prisoners shall travel in the clothing in which they arrived. Navy personnel without adequate or proper clothing may be provided clothing as prescribed in reference (h).

205. EXPENDITURES FOR HEALTH AND COMFORT (H&C) ITEMS

1. Prisoners in a pay status shall provide for their own needs through deductions from their personal account or charges to their pay account.

2. Preferred procedure is deduction from the prisoner's funds in the brig's comingled bank account.

3. If deduction from the prisoner's account becomes extremely burdensome, or a situation arises making funds withdrawal impossible, then checkage against their pay accounts shall be made by using DD 504 and the procedures in reference (i), article 40801 and reference (j), part 5, chapter 2, section B.

4. Articles for H&C of individual prisoners shall not be requested or accepted from the American Red Cross, Salvation Army, or any other public charitable organization.

#### 206. APPROVED H&C ITEMS

1. Approved Items. Any items on the following list shall normally be approved in adequate quantities:

laundry bag	shower shoes
bath soap	shaving soap/cream
shoe shining gear	toothbrush
toothpaste	nail clippers
floss sticks	face cloth
bath towel	comb (small; not steel)
deodorant, stick type	sanitary napkins/tampons
writing material and postage	handkerchiefs
stamp embossed envelopes	shampoo
razor, enclosed blade	hair cream, tube-type
foot powder	Q-tips
eyeglass cleaning cloth	hair conditioner
tweezers	denture cream
mouthwash (non-alcoholic)	eye drops
foam insoles	talcum powder
hemorrhoid cream	lotion
chap-stick	

**NOTE:** No glass or aerosol containers are permitted.

#### 2. Procedures

a. Items supplied shall not ordinarily duplicate or replace identical items already in the prisoner's possession. When a prisoner has one type or brand, it shall not be confiscated and replaced by another except for cause.

b. Neither initial supply nor re-supply shall consist of a standard assortment of articles that include some which the prisoner does not use or need, except small packets issued at reception intended for 1 day or weekend use.

c. Commands which order persons into confinement shall be informed of the quantity of each item necessary for H&C. If prisoners have these items, or are confined during working hours and can obtain them, they shall bring these with them to confinement. It is the responsibility of the prisoner's unit CO to ensure prisoners have an adequate supply of H&C items upon confinement; however, if prisoners are confined without personal necessities, the brig shall provide these items during in-processing. The brig officer is responsible for ensuring all prisoners receive a periodic re-supply of consumable items.

3. Prisoner Uniform. Confining commands shall ensure all prisoners arrive at the brig with all uniforms required of the confining brig.

4. Marking. All prisoner personal effects shall be marked per local brig policy. Uniform items shall be marked per the prisoner's Service uniform regulations.

5. Travel Uniforms

a. Authorized uniforms for prisoners being escorted under custody vary by means of transportation and legal status:

- (1) Commercial Air. Civilian attire.
- (2) Government Air (MILAIR). Military uniform.
- (3) Commercial/Government vehicle
  - (a) Pre-/post-trial prisoners. Military uniform.
  - (b) Discharged prisoners. Civilian attire.

b. To avoid embarrassment to the Armed Forces, when transporting members under custody who may be exposed to public view, escorts shall ensure that such members are properly clothed in appropriate attire and footwear, as above, prior to departure from the pickup point from which the member will be transported.

Advance coordination of all movements by the escort team can mitigate problems and must be a required aspect of the movement process.

(1) Appropriate civilian attire must present a socially acceptable appearance appropriate for the transport and conform to required standards set forth in Service uniform regulations. Jeans/slacks, shirt/blouse, undergarments, and covered toe shoes are an example of appropriate civilian attire. Escorts shall ensure that member's civilian clothing is warm enough for local and destination climates.

(2) Transporting prisoners in the following clothing is unauthorized:

(a) Civilian clothing containing Service logos and emblems;

(b) Unit organizational/physical training gear; or

(c) Shorts, dresses, or skirts.

c. Where necessary, to ensure prisoners are transported in appropriate attire, brig COs are authorized to provide escorts with not more than \$75.00 for each member being transported. These monies, if provided, shall be included in the senior escort's travel orders for reimbursable purchase of inexpensive suitable attire for the member being transported in the case that during some phase of the trip the member may be subject to view by the public. Escorts should purchase needed items sufficiently in advance of the transport to allow exchange if items do not fit. Receipts of purchases shall be maintained.

(1) When transports occur, every effort shall be made during the mission planning phase to coordinate the availability of member's personal clothing.

(2) When transports occur between military confinement facilities, the brig responsible for funding the transport shall provide accounting data and funding from their operational budget.

6. Clothing Stock. Brig officer shall maintain a reasonable supply of prisoner clothing for temporary use. Upon release,

loaned items shall be recovered, laundered or cleaned, as appropriate, and the footwear sterilized for reissue as prescribed by medical authorities.

7. Recoverable Uniforms from Discharged Prisoners. When discharged prisoners (DD 214 Certificate of Release or Discharge from Active Duty) are to be released from the brig and are not entitled to wear the Service uniform, uniform items shall be recovered per applicable Service regulations. In such a case, an outfit of civilian clothing may be procured by the command operating the brig, and issued at no cost to the prisoner, and without regard to the state of their pay account or availability of personal funds; however, prisoners shall be encouraged to provide their own civilian clothing if it is available in the area or can be sent to them. If prisoners are received with civilian clothes in good repair, one set may be retained for use at release when other possessions are mailed out.

### **SECTION 3. CORRESPONDENCE AND VISITING**

#### 301. CORRESPONDENCE AND VISITING

1. Policy. Prisoners shall be allowed to retain contact with their family and to conduct personal affairs to the greatest extent possible, not inconsistent with this and other governmental prohibitions. Security requirements must be kept in mind when establishing local programs. Any deviation from this policy must be documented as interference to the security and good order of the institution. "Correspondence" means incoming or outgoing letters (mail) other than "privileged correspondence". Correspondence includes packages sent through the mail.

#### 2. Procedures

a. Denying family and friends visiting privileges for arbitrary reasons is not allowed.

b. All prisoners shall be permitted to write personal letters without numerical limit and to receive all incoming mail regardless of their disciplinary status, unless this privilege has been restricted or unless the volume of a prisoner's mail constitutes an interference with the orderly administration of the brig. A record shall be kept of exchanges of mail using NAVPERS 1640/15 Mail and Visiting List.

c. Under no condition shall any prisoner be prevented from consulting or corresponding with counsel or the authorized representative of counsel, nor shall their request to consult with a chaplain be denied. It is further required that arrangements shall be made for the acoustical privacy of any consultation between prisoners and their counsel or clergy within the brig. The confidentiality of the lawyer-client privilege is recognized in reference (f), R.C.M. 502 and in JAGINST 5803.1, rule 1.6. Confidentiality of communications to clergy is recognized in reference (f), R.C.M. 503, SECNAVINST 1730.7C, and OPNAVINST 1730.1D.

d. Prisoners shall not be required to answer any but official correspondence or to receive any but official visitors. Refusal by a prisoner may be actionable as a disciplinary offense; however, physical coercion is not authorized.

e. Visiting periods shall be established and included in the plan of the day at the brig on all non-working days such as weekends and holidays. Where conditions permit, prisoners shall be permitted to receive visitors for at least 2 hours on each visiting day. Reasonable exceptions as to time and length of visits shall be made for visitors who may have traveled a long distance or for some reason cannot visit on regular days or during regular visiting hours. No limitations shall be imposed as to the number of persons who may visit with a prisoner, except due to space restrictions or to maintain security, control, or to exclude persons disapproved by the brig officer or designee, for cause. Any limitations shall be applied evenly and fairly. Reasons for disapproval shall be recorded in letter format and placed in the prisoner's individual confinement record.

3. Authorized Correspondents. No limitations shall be imposed as to the number of persons that may correspond with a prisoner except for security or control. Any limitations on correspondence must be required in the interest of safe administration or security. If the brig officer makes a determination to disapprove a correspondent, a letter must be placed in the prisoner's individual confinement record stating specific reasons for such a determination and a correspondent shall be notified of the disapproval by the brig.

#### 4. Mail Inspection

a. All prisoner's mail, except as noted in paragraph 301.10, below, shall be subject to inspection and scanning. Scanning is defined to mean to glance at or read hastily. Inspection is the checking of the mail for contraband. Staff shall not re-inspect mail after processing by the mail supervisor prior to delivery.

b. A prisoner's consent is not required prior to inspection of incoming mail; however, prisoners shall be advised, and written notice be included in the prisoners' rules and regulations, that all mail is subject to inspection. Shall prisoners refuse to accept any or all mail, they shall sign a statement to that effect. Mail shall be marked "Refused" and returned unopened to the sender. Signed statement of refusal shall be filed in the prisoner's individual confinement record.

c. Correspondence Monitoring. The brig CO may establish procedures for monitoring incoming and outgoing correspondence. Brigs may wish to give closer scrutiny to the incoming and outgoing correspondence of certain prisoners, for example, prisoners: who participated in criminal activity of a sophisticated nature, whose crimes involved mail or fraudulent schemes, who are considered escape risks, and who present management problems. A staff member designated by the brig officer to supervise prisoner correspondence may maintain a list of such prisoners. These monitoring procedures may not, however, interfere with the prompt handling of the correspondence.

#### 5. Rejection of Mail

a. The brig CO may reject correspondence sent to or by a prisoner if it is determined detrimental to the security, good order or discipline of the brig, to the protection of the public, or if it might facilitate criminal activity. Correspondence, inbound or outbound, which may be rejected by the brig CO includes, but is not limited to, correspondence which contains any of the following:

(1) Matter which cannot be mailed under law or postal regulations;

(2) Matter that depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption;

(3) Information of escape plots, of plans to commit illegal activities, or to violate brig rules or regulations;

(4) A prisoner may not direct a business while confined. This does not, however, prohibit correspondence necessary to enable a prisoner to protect property and funds that was legitimately the prisoner's at the time of commitment. Thus, for example, a prisoner may correspond about refinancing an existing mortgage or sign insurance papers but may not operate a mortgage or insurance business while in the brig;

(5) Threats, extortion, obscenity, or gratuitous profanity;

(6) Contains code or other obvious attempts to circumvent regulations;

(7) Sexually explicit material (including personal photographs) which by its nature or content poses a threat to an individual's personal safety or security or disrupts good order and discipline; and

(8) A package received without prior authorization by the brig officer is considered to be contraband.

b. Perceived derogatory or defamatory remarks alluding to conditions (e.g., food, lights, bedding, mail, medical, etc.), or allegations which could embarrass the naval service are permitted.

c. Where incoming and outgoing correspondence is found unacceptable, the brig CO or designee shall promptly notify the prisoner in writing of the decision and the reason(s). Notice must contain reference to the specific text or material(s) considered objectionable. Notification of disapproval of correspondence and the reason for disapproval shall be made to the prisoner in writing.

(1) The brig CO or designee shall permit the prisoner an opportunity to review the material for purposes of filing an appeal, unless such a review may provide the prisoner with information of a nature that is deemed to pose a threat or detriment to the security, good order or discipline of the brig, or to encourage or instruct in criminal activity.

(2) Disapproval notice shall advise the prisoner of the appeal process. Prisoners may obtain an independent review of the disapproved correspondence by submitting a written request within 20 days. Disapproved correspondence shall be retained and safeguarded for not less than 20 days from the initial disapproval date and throughout the appeal process. The prisoner may appeal to the approving authority. Subsequent and final appeal authority rests with the brig CO.

(3) If the prisoner does not submit an appeal within 20 days, correspondence shall be returned to the sender unless the correspondence includes plans for or discussion of commission of a crime or evidence of a crime, in which case there is no need to return the correspondence or give notice of the rejection, and the correspondence shall be referred to appropriate law enforcement authorities. Also, contraband need not be returned to the sender.

(4) If an appeal is made, the appeal review authority shall first review either the disapproved correspondence or a copy of the offensive portion before acting on the appeal.

(5) Appeal review authority shall provide a written decision to the prisoner and the brig officer, if not the appeal authority, within 30 days of receipt of the appeal.

(6) The brig CO or designee shall forward the sender (and the prisoner if not the sender) of unacceptable correspondence a copy of the rejection letter. The brig officer shall advise the sender (and the prisoner if not the sender) they may obtain an independent review of decision for disapproving the correspondence by submitting a written request to the review authority within 20 days of receipt of the rejection letter. The brig officer shall return the disapproved correspondence to the sender unless the sender indicates intent to file an appeal under the appeal process. In that case, the brig officer shall ensure safeguard of the disapproved material for review. If the rejection is sustained, the rejected correspondence shall be returned to the sender when the appeal is complete.

d. The brig officer may limit (for fire, sanitation, or housekeeping reasons) the number or volume of correspondence prisoners may receive or retain in their quarters.

e. Contraband found in mail shall be confiscated. Unauthorized materials other than illegal contraband shall not be placed with the prisoner's stored personal property. Illegal drugs, substances, or non-mailable matter such as hazardous material, weapons, and explosives found in the mail must be reported to base security and the nearest United States Postal Inspection Service Office to determine if an investigation shall be initiated against the sender. The local post office may assist in contacting the Postal Inspection Service. A chain of custody shall be implemented to document illegal contraband and criminal charges implemented, if warranted. In all cases, proper inventories shall be completed and custody receipts prepared. Where such storage is contrary to the security or would interfere with the orderly administration of the brig, the prisoner shall be required at the prisoner's expense, to return such contraband to the sender or to have such contraband destroyed. In the event the prisoner refuses to elect, such refusal shall be documented and the contraband destroyed. Mail accompanying contraband or unauthorized material shall be processed in a normal manner unless rejection is warranted under the provisions of paragraph 301.5.a.

f. Mail written in a foreign language shall not be rejected solely due to the lack of an interpreter. Rejection must be based on the provisions of paragraph 301.5.a, above, after translation by a qualified interpreter. In the absence of an interpreter, and if there is no reason to believe the letter represents interference to the security or good order of the brig, mail written in a foreign language shall be promptly transmitted to the prisoner to whom it is addressed.

#### 6. Restricted Correspondence

a. The brig CO may restrict correspondence based on misconduct or for any of the following reasons:

(1) Involvement in any of the activities determined detrimental to the security, good order, or discipline of the brig, to the protection of the public, or if it might facilitate criminal activity;

(2) Attempting to solicit funds or items (e.g., samples) or subscribing to a publication without paying for the subscription;

- (3) Being a security risk;
- (4) Threatening a government official; and
- (5) Having committed an offense involving correspondence.

b. A prisoner on restricted correspondence may only correspond with individuals approved by the brig CO. For each prisoner on a restricted correspondence status, a list of approved individuals shall be maintained.

c. Prisoners shall not initiate contact with any victim or witness either directly or through a third party without written permission from the brig CO. This prohibition includes contact via telephone, visits, writing letters, and e-mail. Prisoners desiring to communicate with victims or witnesses may submit a chit requesting permission from the brig CO. The victim/witness coordinator shall follow guidance/procedures contained in DoD/DON Victim and Witness Assistance Program policies, to include reference (d).

7. Correspondence Between Confined Prisoners. A prisoner may be permitted to correspond with a prisoner confined in any other correctional facility, subject to the below limitations, if the other prisoner is either a member of the immediate family or is a party or witness in a legal action in which both prisoners are involved. Following additional limitations apply:

a. Such correspondence may always be inspected by staff at the sending and receiving facilities; and

b. Person in charge of both facilities must approve of the correspondence between both prisoners involved. Any denial and the rationale for disapproving the correspondence request must be fully documented.

8. Outgoing Mail Procedures

a. The brig officer shall establish at least one mail depository (marked U.S. Mail) within the brig for a prisoner to place outgoing correspondence. The brig officer may establish a separate mail depository for outgoing privileged correspondence. Each item placed in a mail depository must contain a return address. Mail supervisor/clerk shall be the only person in

possession of the key to this box. This person shall remove the mail at least once each workday and, after inspection, seal approved mail and deposit it in the Postal Service.

b. Outgoing mail shall bear no external indication that the sender is a prisoner or be marked to indicate inspection. Return address may include a post office box number or street address, and when appropriate, a secondary unit designator (such as suite (STE) or room (RM)). For example, "PO Box 6, 3520 John Paul Jones ST, STE 101" rather than "Naval Station Brig."

9. Packages. The brig officer may authorize prisoners to receive packages on Christmas, birthdays, and at other times per local instructions. If contraband is found in a package, see paragraph 301.5c. Prisoners shall not receive medicines, drugs, or other medications through the mail. Packages and other mail received for prisoners known to be substance abusers, or former dealers, shall receive careful attention.

#### 10. Privileged Correspondence

a. Privileged correspondents are: President or Vice President of the United States; U.S. Department of Justice; U.S. Attorneys' Offices; Service Secretaries; Courts (Federal, State, local); Members of the U.S. Congress, Embassies (ambassadors) and Consulates (consulate generals); State Attorneys; General Prosecuting Attorneys; State Parole Commissioners; State Probation Officers; Judge Advocate General or their representatives; Inspectors General or their representatives; prisoner's defense counsel; the prisoner's clergyman, when approved by the chaplain; and any attorney listed in professional or other directories, or such attorney's representative.

b. The prisoner is responsible for advising privileged correspondents that correspondence will be handled as privileged only if the envelope is clearly marked with the attorney's/privileged correspondent's name and an indication that the person is an attorney/privileged correspondent, and the front of the envelope is marked "Privileged Correspondence - Do not open". Care shall be taken by prisoners to ensure outgoing privileged correspondence is sealed and bears the correct addresses of the intended addressees.

c. All incoming/outgoing privileged correspondence shall be delivered unopened/sent sealed and receipted for in the privileged correspondence log. All incoming/outgoing correspondence between a prisoner and privileged correspondents is privileged and only subject to inspection for contraband for in the presence of the prisoner but not read, nor shall prisoners be interviewed in connection with privileged mail prior to its being delivered or sent.

d. If there is reasonable doubt that an incoming letter is from a privileged source, even though it appears to be, it may be opened and inspected by a staff member to ensure it is genuine. If such letters are opened, a photocopy of the envelope shall be made and filed in the prisoner's individual confinement record to document the "reasonable doubt." Privileged correspondence may also be inspected if good cause exists to show substantial interference with the security and good order of the brig or that it poses threats to recipients. All inspections of privileged correspondence by staff members shall be documented in the privileged correspondence log.

e. Privileged correspondence may be subject to inspection (not reading) during searches conducted after it has been delivered to the addressee. Prisoners shall be advised during orientation that if they wish the contents of privileged correspondence to be kept inviolate from other prisoners or staff after delivery, they shall request its inclusion in their stored personal property or they shall destroy the letter. Staff shall not read privileged correspondence except upon authorization from the brig CO.

f. In the absence of either adequate identification or the "privileged correspondence" marking appearing on the envelope, staff may treat the mail as general correspondence and may open, inspect, and scan the correspondence.

g. Except as provided below, outgoing privileged correspondence may be sealed by the prisoner and is not subject to inspection.

(1) A prisoner's privileged correspondence status may be restricted by the brig CO if the correspondence either has posed a threat or a threat of physical harm to the recipient (e.g., the prisoner has previously used privileged correspondence to threaten physical harm to the recipient).

(2) The brig officer shall notify prisoners their privileged correspondence is being restricted and the reason for the restrictions.

(3) A prisoner whose privileged correspondence is restricted must present all materials and packaging intended to be sent as privileged correspondence to authorized postal staff for inspection. Staff shall inspect the privileged correspondence material and packaging, in the presence of the prisoner, for contraband. If the intended recipient of the privileged correspondence has so requested, postal staff, when authorized by the brig CO may read the privileged correspondence for the purpose of verifying that the privileged correspondence does not contain a threat of physical harm. Upon completion of the inspection, staff shall return the privileged correspondence material to the prisoner if the material does not contain contraband or contain a threat of physical harm to the intended recipient. The prisoner must then seal the privileged correspondence material in the presence of staff and immediately give the sealed correspondence material to the observing staff for mailing. Privileged correspondence determined to pose a threat to the intended recipient shall be forwarded to the appropriate law enforcement entity. Staff shall send a copy of the material, minus the contraband, to the intended recipient along with notification the original material was forwarded to the appropriate law enforcement entity.

h. The brig CO shall review a prisoner's restricted privileged correspondence status at least once every 30 days. The prisoner is to be notified of the results of this review. A prisoner may be removed from restricted privileged correspondence status if the brig CO determines the privileged correspondence does not threaten or pose a threat of physical harm to the intended recipient.

i. A prisoner on restricted privileged correspondence status may seek review of the restriction through the chain of command.

11. Official and Special Purpose Correspondence. Letters to military authorities shall be sent through channels per regulations governing official correspondence. Letters containing accusations, requests, or complaints shall be forwarded through proper channels to officials who have the authority to take the appropriate action. Petitions or writs for release addressed to proper authority shall be forwarded directly

rather than through official channels. Other special purpose correspondence may be permitted at the discretion of the brig officer.

## 12. Prisoner Funds Received Through the Mail

a. A prisoner may receive funds from family or friends only with the approval of the brig officer for crediting to the prisoner's funds account. No personal checks shall be cashed by brig staff and deposited into prisoner fund accounts.

b. A prisoner is responsible for advising persons forwarding funds that all negotiable instruments, such as cashier checks or money orders, shall bear the prisoner's full name and RCN, thereby helping to ensure a deposit to the proper prisoner's account. Negotiable instruments not accepted because they are incorrectly prepared shall be returned to the sender with a letter of explanation. A copy of this letter shall be provided to the prisoner. Prisoners are also responsible for advising persons forwarding funds to them to avoid sending cash for accountability reasons.

c. A prisoner may not receive through the mail unsolicited funds, nor may the prisoner solicit funds or initiate requests that might result in the solicitation of funds from persons other than as specified in paragraph 301.12(a).

## 13. Newspapers, Periodicals and Other Mailed Matter

### a. Definitions

(1) Publication as used in this manual is defined as a book, booklet, pamphlet, or similar printed document, or a single issue of a magazine, newsletter, or newspaper, plus such other materials addressed to a specific prisoner as advertising brochures, flyers, and catalogs. This definition does not include publications in multi-media format such as audio tape or video tape. The brig bears no responsibility to provide a means to review such multi-media formats.

(2) Commercially published information or material means any book, pamphlet, magazine, newsletter, or similar document, including stationery and greeting cards, published by any individual, organization, company, or corporation which is

distributed or made available through any means or media for a commercial purpose. This definition includes any portion extracted, photocopied, or clipped from such items.

(3) Nudity refers to any pictorial depiction where genitalia or female breasts are exposed.

(4) Features indicate the publication contains depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition. Any publication may change a single issue or its general policies and practices at any time that would allow it to become acceptable or non-acceptable for distribution.

(5) Sexually explicit means a pictorial depiction of actual or simulated sexual acts including sexual intercourse, oral sex, or masturbation.

b. Policy

(1) A literary review board shall be established at each brig. Given the guidance provided below, the literary review board is responsible to review publications to determine if an incoming publication is detrimental to the security, discipline, or good order of the brig, or if the publication might facilitate criminal activity. Commercial publications that are sexually explicit or feature nudity are likely to have a detrimental effect on rehabilitation. Because rehabilitation is a legitimate correctional interest, such publications shall be excluded. Prisoners with a sentence of 6 months or longer, with prior approval of the brig officer may subscribe to and retain publications as specified below.

(2) Prisoners shall receive hardcover publications and newspapers only from the publisher, a book club, or from a bookstore. Publications or other soft cover material received from any source may be received if previously approved by the brig officer and carefully screened to avoid the introduction of contraband. Only the brig CO may disapprove an incoming publication.

(3) The brig CO may disapprove a publication only if it is determined to be detrimental to the security, good order, or discipline of the brig, or if it might facilitate criminal activity. As rehabilitation is a legitimate correctional interest, commercial publications that are sexually explicit or features nudity shall be excluded. Inability to view multi-media publications may be cause for requiring the prisoner to destroy, properly store, or mail-out the publication. The brig CO may not disapprove a publication solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant. Publications which may be disapproved by the brig CO include but are not limited to publications which meet any of the following criteria:

(a) Violates postal regulations;

(b) Depicts, or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices;

(c) Depicts, encourages, or describes methods of escape from confinement, or contains blueprints, drawings, or similar descriptions of confinement facilities;

(d) Depicts or describes procedures for the brewing of alcoholic beverages or the manufacture of drugs;

(e) Contains or is written in code;

(f) Depicts, describes, or encourages activities which may lead to the use of physical violence or group disruption;

(g) Advocates racial, religious, or national hatred in such a way as to encourage violence in the brig;

(h) Encourages or instructs in the commission of criminal activity;

(i) Is sexually explicit material, which by its nature or content poses a threat to the security, good order, or discipline of the brig or facilitates criminal activity;

1. Sexually explicit material of the following types may be disapproved, as potentially detrimental to the

security and good order or discipline of the brig, or as facilitating criminal activity: sadomasochism, bestiality, involving children (children under age of 16).

2. Child-model materials prohibited by law shall be disapproved.

(j) Sexually explicit material does not include material of a news or information type. Publications concerning research or opinions on sexual health, or reproductive issues, or covering the activities of gay rights organizations or gay religious groups, for example, shall be admitted;

(k) Literary publications shall not be excluded solely because of homosexual themes or reference unless the material includes sexually explicit material, which by its nature or content poses a threat to the security, good order, or discipline of the brig or facilitates criminal activity; and

(l) Sexually explicit material may nonetheless be admitted if it has scholarly value or general social or literary value.

(4) The brig officer shall not establish an approved or disapproved list of publications and shall review each issue of a publication prior to disapproval of that issue. Disapproval of several issues of a subscription publication is not sufficient reason to disapprove the subscription publication in its entirety. It is recommended that a prisoner who wishes to order a publication first speak with a designated staff member to ascertain whether individual issues of the publication are likely to be approved. This discussion is not required, but it may avoid disappointment and administrative problems when a publication is later determined to be unacceptable.

(5) Appeal process. Per paragraph 301.5c.

(6) The brig officer may limit (for fire, sanitation or housekeeping reasons) the number or volume of publications prisoners may receive or retain in their quarters.

14. Postage. Postage is an approved H&C item, provided at no cost to prisoners who are not in a pay status. Prisoners in a

pay status shall purchase pre-stamped envelopes, or postage stamps when necessary. All prisoners shall use pre-stamped envelopes, if available.

15. Authorized Visitors

a. Visits by unmarried persons under the age of 18 shall not be permitted unless they are accompanied by their parent(s) or legal guardian. Visitors may be listed on NAVPERS 1640/15 Mail and Visiting List.

b. The brig CO may deny visitation for cause (e.g., civilian or military protective orders, legitimate rehabilitative interests, and good order, discipline, and security of the brig).

16. Visitation Facilities. Each brig shall have a furnished room or area for visiting. Informal or lounge type furnishings are most desirable. Visiting room shall be inside the security perimeter. Areas presenting obviously harsh security features such as steel bars and security mesh shall be avoided. Mess hall, offices, or other areas may be used when a more suitable place cannot be provided.

17. Supervision of Visits

a. Visit supervisors shall have complete visual control of the visiting room to ensure compliance with regulations on security and conduct. Supervisors in the visiting room shall not be armed. Supervisors shall be courteous and completely businesslike in their relationship with visitors. They shall not discuss prisoners, their conduct, or offense with visitors. There is an absolute prohibition against staff attempting to form friendships or relationships with visitors. Visitors with legitimate inquiries shall be referred to the person authorized to furnish such information. If asked, the supervisor may inform the visitor of the rules governing packages, gifts, and the length and frequency of visits allowed. Visiting rules shall be conspicuously posted at the entrance of the visiting area. To ensure good order and discipline of the brig during visitation, the brig officer may take necessary and reasonable steps to ensure safety of staff, prisoners, and public.

b. Prisoners shall be instructed in security and conduct regulations affecting visiting, and they shall be directed to inform their visitors of such regulations. Only conduct which is

in good taste in public is permissible. This requirement is not intended to preclude an embrace and kiss at the beginning and termination of the visit within the bounds of good taste nor to preclude prisoners holding their infant children, etc., during the visit.

c. Purses and packages shall be stored in visitor lockers outside the security perimeter and the visitor shall be temporarily issued a locker key.

d. If used by a brig, all visitors (military or civilian) shall be required to pass through a walk-through metal detector/submit to a body scan with a hand-held metal detector. If the metal detector indicates metal is present, the visitor shall be asked for permission to determine the nature of the detected item. If visitors refuse to comply, they shall not be allowed to visit and the incident shall be documented in letter format and placed in the prisoner's individual confinement record. A log entry shall be made specifying the specific reasons for denial of visiting privileges. Visitors shall be allowed to enter only after brig personnel are satisfied that no unauthorized items are present.

e. If illegal items are discovered (i.e., firearms, explosives, suspected narcotics, etc.), do the following:

- (1) Contact local security;
- (2) Take necessary and reasonable steps to ensure the safety of staff, prisoners, and public;
- (3) Confiscate and maintain control of the illegal item;
- (4) Execute chain of custody procedures;
- (5) If prisoners are involved, they shall be separated from the visitor, searched, and placed in a holding area; and
- (6) All personnel involved shall prepare detailed reports and cooperate fully with local security personnel.

f. If contraband (vice illegal) item is found, the visitors shall be advised that they may not enter the brig with the contraband item but must place it in the visitor's locker. If placed in the visitor's locker, the visit may be allowed or

continued, at the brig officer's discretion or per brig rules. If the item is not placed in the visitor's locker, the visitor shall be denied entrance.

g. At no time shall brig staff strip search a visitor. If a frisk search is required it shall be conducted by a staff member who is of the same gender as the visitor.

h. Shall a visitor refuse to comply with verbal directions or instructions given by staff members, the visitor may be denied entrance, and the visit may be terminated. At no time shall force be used against a visitor unless:

(1) The visitor poses an imminent threat of inflicting serious bodily harm or death upon another;

(2) The visitor has engaged in a serious breach to security and the incident cannot be contained without the use of force against the offending party; or

(3) The physical security of the brig is seriously threatened.

i. Before any force may be used, all other reasonable alternatives must be considered and have failed. In any event, force may be applied only to the extent necessary to control or contain the situation.

j. Brigs shall make a separate area available for visitors needing to breastfeed their children. This area shall not be in view of prisoners. Visitation contact with the prisoner shall be interrupted during the feeding time, but once completed, may continue. Arrangements for breastfeeding at the brig shall be displayed along with other visitation rules.

18. Information to Correspondents and Visitors. The brig shall provide detailed information to prisoners to give to their families and friends on mail and visitation procedures to facilitate the governing process and eliminate confusion and fear on the part of the visitor. Written information regarding procedures governing visitation shall be made available to the prisoner within 24 hours after arrival at the brig. At a minimum, the information shall include, but not be limited to, the following:

- a. Brig address/telephone number, directions to brig and information about local transportation;
- b. Days and hours of visitation;
- c. Approved dress code and identification requirements for visitors;
- d. Items authorized in visitation room;
- e. Special rules for children;
- f. Authorized items that visitors may bring to give prisoners (e.g., funds, pictures, and so forth); and
- g. Special visits (e.g., family emergencies).

19. Official, Press, and Civilian Visits

a. Requests for general visiting of the brig by groups or individuals shall be coordinated with the local public affairs office and per SECNAVINST 5510.30B and SECNAVINST 5720.44B. Each request shall include a specific reason for the visit. The brig officer shall coordinate requests for such visits per local policy, and shall take into account the brig's ability to maintain good order and discipline and availability of staff to supervise the visit. Such visits shall normally be conducted within the brig's regular visitation schedule.

b. Personal interviews and telephonic communications between prisoners and media representatives are not authorized, unless a determination is made that such interview serves a legitimate public interest, or is in the best interest of the military, per reference (e).

20. Telephone Calls. Telephone calls to or by prisoners shall be at the expense of the outside party or the individual prisoner, except in emergencies. They shall be permitted when considered to be in the best interest of the prisoner's morale and shall aid in the resolution of immediate personal problems. Monitoring of calls is not mandatory; however, when deemed appropriate, a call may be monitored or recorded. As used here, monitoring means the presence of a supervisor or recording. With the prisoner's knowledge, the supervisor may be physically present during a telephone conversation, and may listen to the

prisoner's side of a non-privileged telephonic communication. If electronic monitoring is used the prisoner shall be informed that non privileged telephone calls are monitored/recorded. Limiting telephone calls or telegrams to emergencies such as a death in the family is not necessary, nor is it conducive to the correction of the prisoner. Privileged calls are to be verified for the authenticity of the caller but shall not be monitored.

#### 21. Prisoner Requests

a. The brig officer shall provide means whereby prisoners may communicate with staff members to request advice and assistance with their problems. The DD 510 Request for Interview, shall be made available for prisoner use without restriction.

b. Prisoners are often worried and confused about their personal problems and need advice and assistance. Opportunities to discuss problems with a chaplain, judge advocate, or other person qualified to assist shall be provided. The prisoner shall state the problem or matter at issue, request to be heard at mast, or request an interview with a designated person. Request shall be signed by the prisoner and referred to the proper staff member or brig officer for action or further referral to other proper authority. The DD 510 shall be placed in the prisoner's file showing action taken.

22. CO's Mail Box. Brig COs shall install, in a centrally located place(s), a locked, clearly marked box(es) (or secure electronic version) readily accessible to all prisoners in which they may deposit individual communications for the immediate attention of the brig CO. Keys for this box shall be in the possession of the CO. Contents of this box shall be removed on a regular schedule and screened by the brig CO. Portable boxes may be used if desired.

302. PRISONER COMMUNICATION COUNCIL. A council shall be established to keep lines of communication open between prisoners and staff. This council shall include prisoners of each custody classification and quarters area (except reception and special quarters). At brig with multiple housing units, a representative for each custody classification is not required. Each housing unit should send a representative. Other members may be added as local need dictates. Prisoner members are to be elected by the prisoners and approved by the prisoner

management/programs officer. Conduct and procedures for the council shall be directed per local policy.

**SECTION 4. MISCELLANEOUS**

401. TOBACCO PREVENTION. The brig officer shall implement a tobacco prevention/cessation program per SECNAVINST 5100.13E and DoD Instruction 1010.15 of 2 January 2001.

402. BLOOD DONATIONS. Per BUMED policy, Navy blood centers shall not accept prisoners' blood. Therefore, confinement facilities shall not hold organized blood drives that involve prisoner participation. MICSELLANEOUS

## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-090

#### SENTENCE COMPUTATION AND ABATEMENT CREDIT

<b>Responsible Office</b>	NAVPERSCOM	Phone: DSN	882-4444
	(PERS-00D)	COM	(901) 874-4444
		FAX	882-2626

<b>References</b>	(a) DoD 1325.7-M of 27 Jul 2004 (b) OUSD (P&R) Memorandum of 21 Jan 2010 (Subj: Ex Post Facto Good Conduct Time Analysis) (NOTAL) (c) DoD Instruction 1325.7 of 17 Jul 2001 (d) SECNAVINST 1640.9C
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#### SECTION 1. POLICY

##### 101. POLICY

1. Sentences to confinement shall be computed per the procedures provided in reference (a). This may be done through automated means, but when manually computing a sentence, the expiration tables within reference (a) and DD 2710-1 Prisoner Sentence Computation, shall be used. The Corrections Management Information System (CORMIS) accommodates automated sentence computation procedures per reference (a) and shall be used. Per reference (b), with respect to offenses committed prior to 1 January 2005, good conduct time (GCT) shall be awarded at the rates specified in references (c) and (d).

2. All sentences of new prisoners will be reviewed during the receiving process to determine if any unusual issues exist and to ensure the prisoner is not due for immediate release.

#### SECTION 2. GOOD CONDUCT TIME (GCT), EARNED TIME (ET), AND SPECIAL ACTS ABATEMENT (SAA); COLLECTIVELY REFERRED TO AS ABATEMENTS

201. Definitions. Definitions applicable to DoD sentence computation policy is contained within reference (a). Definitions applicable to this article follow:

1. Good Conduct Time (GCT). A deduction from the adjusted maximum release date (AMXRD) for faithful observance of all brig rules and regulations.
2. Earned Time (ET). Deductions from a prisoner's release date earned for participation and graded effort in the areas of work, offense-related programs, education, self-improvement and personal growth, or other support activity specifically authorized by the brig officer.
3. Special Acts Abatement (SAA). Deduction from a prisoner's release date earned for a specific act of heroism, humanitarianism, or extraordinary institutional or community support deemed appropriate by the brig officer. Prisoners without a release date (e.g., life without parole, death) may earn SAA, but it shall be held in abeyance and only awarded if the sentence is reduced to a determinate sentence length.

## 202. GCT

### 1. Eligibility

a. GCT shall be awarded to each prisoner serving a sentence imposed by a court-martial for a definite term of confinement.

b. Eligibility for GCT shall be consistent with DoD policy on GCT rate of earning at the time a sentence was adjudged or offense committed, as applicable per references (a), (b), and (c).

c. For prisoners who have an approved finding (e.g., convening authority (CA) action) of guilty for an offense that occurred after 1 October 2004, the award of GCT shall be conditioned on the prisoner submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy per reference (c), if directed to do so.

d. Pre-trial prisoners shall earn GCT for confinement served, but any earned GCT shall not be awarded until a sentence is adjudged and pre-trial credit is ascertained.

e. GCT shall not be awarded to a prisoner who has a life, life without parole, or death sentence. Prisoners with one of

these sentences shall earn GCT, but it shall be held in abeyance and awarded only if the sentence is reduced to a determinate length.

2. Rate of Earning. As prisoners may fall under different GCT rates, the GCT rates shall be consistent with DoD policy applicable at the time a sentence was adjudged or offense committed, as applicable per references (a), (b), and (c). For prisoners adjudged on or after 1 January 2005, yet unaffected by reference (b), GCT shall be awarded at a rate of 5 days for each month of confinement, and 1 day for each 6 day portion of a month (see reference (a), appendix 4) regardless of sentence or multiple sentence length. GCT is directly associated with the sentence to confinement and shall not exceed that which the sentence or multiple sentences allow.

203. ET

1. ET shall only be awarded in applicable component areas when overall evaluations are average (satisfactory) or higher.

2. Prisoners shall be subject to the ET rules of the confining brig regardless of the Service affiliation of the prisoner.

3. NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) shall ensure that an ET program is available in its brigs and that its programs are, to the maximum extent possible, consistent in content and application with the ET programs in facilities operated by the other military Services.

4. Brig officers shall continuously monitor and review their ET program to ensure inflationary aspects (to include redundant crediting) are addressed, and NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) shall periodically audit the ET program to ensure alignment with program objectives.

5. Eligibility

a. Prisoners serving a sentence imposed by a courts-martial for a definite term of confinement are eligible to earn ET.

b. For prisoners who have an approved finding of guilty for an offense that occurred after 1 October 2004, the award of ET shall be conditioned on the prisoner submitting an acceptable

release plan and fully cooperating in all other respects with the mandatory supervision policy of reference (c), if directed to do so.

c. Pre-trial prisoners are ineligible for ET.

d. A prisoner with a life, life without parole, or death sentence may earn ET, but such abatement shall be held in abeyance and only awarded if the sentence is reduced to a determinate length.

e. ET may be awarded when GCT or ET forfeitures remain outstanding.

#### 6. Rate of Earning

a. Eligible prisoners may be awarded up to 8 days per month ET for participation and graded effort in authorized component areas.

b. NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) may delegate to brig officers the authority to determine the activities eligible for ET at the brig and, subject to below limitations, the rate of earning at which a prisoner may earn ET by participating in those activities. The activities list shall be published and made available to all prisoners.

c. Prisoners may participate in activities during a given month that make them eligible for more than 8 days ET, but a maximum of 8 days ET may be awarded per month. Prisoners in a variable GCT earning rate (e.g., subject to GCT rates per applicable correctional references at the time offense was committed or sentence adjudged) may earn ET, but the aggregate (GCT plus ET) shall not exceed 13 days per month.

d. Incremental and proportional rates shall be awarded when a prisoner engages in an approved ET activity for a portion of a month.

#### 7. Limitations

a. When eligible prisoners do not enroll in, progress in, or complete available offense-related or maintenance programs primarily designed to address problems directly associated with their criminal offense or other rehabilitation programs, a

maximum of 5 days ET per month may be earned within other components of the ET program. Such non-compliance or lack of progression shall be fully documented in the prisoner individual confinement record and annotated on NAVPERS 1640/25 Earned Time and Special Acts Abatement Worksheet, or the (CORMIS) equivalent, to preclude higher earnings of ET. This limitation does not apply to prisoners on a waiting list for an offense-related or maintenance program, but no ET may be awarded for that program until the prisoners are actually participating in the program.

b. A maximum of 5 days ET per month may be awarded within the work component of the ET program.

c. ET shall not be awarded within 30 days of the scheduled minimum release date (MRD) from confinement.

8. Administration. Up to 8 hours of prisoner participation in "special needs" offense-related programming per week may be used to achieve the minimum 40 hours per week of expected productivity. Special needs programs are on the prisoners' program plan and include the following highly structured, comprehensive and standardized programs: sex offender/violent offender/substance abuse treatment, remedial education, and pre-release. Any schedule during the 7-day week/24-hour day is authorized and all physically qualified able-bodied prisoners shall be gainfully employed in useful work.

a. ET shall be recorded separately from GCT. The brig officer shall maintain a record of ET for each prisoner. Such record shall be populated within CORMIS.

b. Responsibility for documenting and tracking individual hours and activities needed to earn ET in the component areas of education, self-improvement and personal growth, and support activities is borne by the prisoner. Brig officers shall provide prisoners with a DD 2719 Continuation Sheet, in order for prisoners to document and track hours and activities. Prisoners shall have individual entries validated by applicable staff members as activities are completed. When accumulated hours and activities warrant ET, the prisoner shall forward their request for ET by means of a DD 510 Request for Interview, with supporting documentation, to the ET/SAA board via their unit manager/counselor. The unit manager/counselor shall review the continuation sheet and supporting documentation and, where ET is warranted, validate by signature and date all completed hours and

activities, and forward the document to the ET/SAA board. Care should be taken by staff to ensure the integrity of the program is maintained.

c. When calculating a prisoner's MRD at the beginning of a prisoner's sentence to confinement, the brig officer shall not consider ET that could be earned during the sentence.

d. A formal ET/SAA board comprised of at least three members shall be appointed in writing by the brig officer. At level II/III brigs, members can be unit staff but the board shall not be identical to the unit team; it shall be a distinct group. Recommendations made by the board for the award of ET shall be approved or denied by the brig CO in full or in part.

e. ET shall be awarded, within authorized limits, through evaluation of the separate ET program components. ET awarded for each component shall be documented at monthly intervals, and shall reduce a prisoner's release date on a day-for-day basis. Prisoners shall be counseled on their performance during the review period and informed on ET awarded once decided by the brig CO. Appeals to evaluations shall follow normal internal prisoner grievance procedures.

## 9. Components

a. Work. A maximum of 5 days ET per month may be awarded within the work component of the ET program. Prisoners in brigs, unless precluded from doing so because of a disciplinary, medical, or other reason determined appropriate by the brig officer, shall engage in useful employment under appropriate supervision. Prisoner individual confinement records shall clearly indicate all occasions where prisoners are not in a work status, to include rationale and inclusive dates.

(1) Prisoners shall be employed in maintenance, support, and vocational training activities that provide work of a useful, constructive nature, consistent with their custody grade, physical and mental condition, behavior, confining offense, sentence status, previous training, individual confinement requirements, and installation/brig needs.

(2) Prisoners, when not engaged in prescribed training, counseling, plan of the day, and other place of duty activities, shall perform full 8-hour days of useful, constructive work and a

standard 40-hour workweek. This restriction does not limit the authority of brig officers to direct extra work during emergencies, prevent the assignment of prisoners to details that normally encompass weekends, or prevent prisoners from volunteering for extra work.

(3) Reception, orientation, pre-release processing, plan of the day, and place of duty activities qualify as work.

(4) Prisoners shall work a minimum of 40 hours each week to receive ET for work unless the brig officer determines the failure to complete 40 hours was due to factors outside the prisoner's control. Up to 8 hours of offense-related programs per week can count towards the 40-hour workweek.

(5) ET awarded for work shall be based on work performance and continuous employment.

(a) Performance. The DD 2712 Inmate Work and Training Evaluation, shall be used for evaluating and documenting prisoner work performance. Evaluations shall be completed at least monthly (normally the first working day of the month) by the quarters supervisor (section 1) and work supervisor (sections 1 and 2) for all prisoners under their supervision during the previous month. It is recognized that some prisoners may have multiple reports due to job change assignments. All evaluations shall subsequently be forwarded to the ET/SAA board. The evaluation shall reflect an accurate assessment of prisoner performance of assigned duties against an understood set of requirements. Preventing inflation is critical and reports shall be based upon performance vice sociability. Evaluators must provide fair and thorough evaluations and reviewing authorities must take an active role in mentoring and communicating the spirit and intent of the evaluation system. The work and training evaluation is not a disciplinary tool, a lever to exert influence, or a counseling document. Brig officers must ensure the integrity of the system by close attention to accurate marking and timely reporting. Every evaluator and reviewing official serves a role in the scrupulous maintenance of the evaluation system, ultimately important to the individual prisoner and corrections program. Inflationary markings only serve to dilute the actual value of each report, rendering the evaluation report ineffective. Reviewing officials shall not concur with inflated reports. Generally, the majority of prisoner work performance is average.

(b) Continuous Employment. Employment is considered continuous unless for valid cause (e.g., DS) and specifically approved for interruption by the brig CO. Continuous employment is defined by time, not assignment or status; the continuous employment rate is established by number of continuous full months worked, regardless of the number of job assignments held. All continuous employment date disruptions shall be fully documented in the individual confinement record and annotate the beginning date of the new period.

(c) Employment Date. For all new prisoners, the initial employment date is effective on the adjudged date, unless the sentence is deferred. Where a sentence to confinement is deferred, the employment date begins upon assignment to the reception process. Post-trial prisoners transferring in shall normally be assigned to the continuous employment rate established by the previous brig officer.

(d) Earning Rate. Where overall level of work is documented to be at least "average" during the entire reporting period ET shall be awarded at the below rates per month unless "bumped up or down" by the brig CO for cause.

<u>Level</u>	<u>Continuous Employment</u>	<u>Earning Rate</u>
1	0 to 6 months	1 day per month
2	7 to 12 months	2 days per month
3	13 to 18 months	3 days per month
4	19 to 24 months	4 days per month
5	25 or more	5 days per month

(6) Waiver. When an individual prisoner is recommended by the work supervisor and concurred by reviewing authority and the ET/SAA board, the brig CO may increase (by one step) or decrease the employment earning level (by multiple steps) for consistently outstanding or poor work performance. All increases and decreases must be fully documented within the prisoner individual confinement record, annotating rationale and dates.

(7) The ET/SAA board shall take into consideration the actual number of hours worked by an individual when determining the actual number of days to be awarded. For example, an individual would generally receive full credit for work if only a

limited number of work hours were lost due to a medical appointment; however, if there were extended work absences due to illness the number of ET days awarded could be reduced.

(8) Special Quarters. If an individual's behavior or brig's security concern makes them unavailable for work assignment, then credit for work shall not be awarded. If it is not within an individual's control (e.g., medical segregation) then the individual could receive ET for work.

b. Offense-Related or Other Rehabilitation Programs. A maximum of 2 days ET per month may be awarded within the offense-related or other rehabilitation programs component of the ET program, to include maintenance. Prisoners may be awarded up to 2 days ET for participation in intensive treatment programs. These programs are highly structured, comprehensive, and standardized treatment programs. Examples of such programs include: Sex Offender Treatment Program, Violent Offender Treatment Program, Substance Abuse Treatment Program, Women in Recovery Program, and Dialectical Behavior Therapy Program. One day ET may be awarded for all other offense-related or other rehabilitation programs. These include programs such as Sex Offender Education, Substance Abuse Education, Crossroads, Thinking For A Change, or Victim Impact. A listing of all offense-related or other rehabilitation programs from each brig shall be sent to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) by brig COs with recommended number of ET days. The brig shall maintain an authorized list and provide such access to all prisoners. Prior to new program implementation or significant modification of a current program, the brig CO shall submit a recommendation to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) on the number of ET days that should be granted per month. Approval for authorized number of ET days must be received by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) prior to program implementation. One or 2 days ET per month can be awarded for individual therapy. The number of days per month granted is determined by the number of sessions and outside work required by the individual as recommended by the clinician/social worker/designee and approved by the clinical services director/programs officer/designee. To the maximum extent possible, ET programs shall address problems associated with a prisoner's criminal activity or behavior.

c. Education. A maximum of 2 days ET per month may be awarded within the education component of the ET program.

Prisoners may receive ET while pursuing formal education objectives, including but not limited to, completion of vocational education sequences, general equivalency degrees, or post-secondary degrees or credits when the institution awarding the certificate, license, diploma, degree, or credits to the prisoners have been accredited by an accrediting agency recognized by the U.S. Department of Education.

(1) Participation in non-traditional sources of educational credit (e.g., College Level Examination Program, Defense Activity for Non-Traditional Educational Support, American College Test, and military education), where such credits are recognized by the U.S. Department of Education or American Council on Education may qualify for award of ET.

(2) Time spent obtaining a certificate, license, diploma, degree, or post-secondary credits shall generally be in addition to the normal workweek for which ET for work can be earned, unless such coursework is related to vocational training and education.

(3) ET may be awarded only for coursework performed by correspondence, classroom attendance, or participation in vocational training and education earned while in confinement.

(4) Once a prisoner achieves an education objective, additional ET shall not be awarded for that objective.

(5) Limitations

(a) ET shall generally be awarded upon documented completion of the educational objective.

(b) For factoring purposes, completion of 3 semester hours (or its equivalent) may be associated with 1 day of ET.

d. Self-Improvement and Personal Growth. A maximum of 2 days ET per month may be awarded within the self-improvement and personal growth component of the ET program. Prisoners may receive ET by participating in self-improvement and personal growth programs that have been pre-authorized by the brig officer. Generally, 1 day of ET should be associated for each documented 20 hours of creditable participation and satisfactory evaluation. Examples of self-improvement and personal growth programs include, but are not limited to, Alcoholics Anonymous,

Narcotics Anonymous, CREDO, Fleet and Family Support Center classes, parenting classes, PREVENT, Toastmasters, etc. Generally, these programs are held outside duty hours. Religious programming does not qualify for ET.

e. Support Activities. A maximum of 1 day ET per month may be awarded within the support activities component. Where pre-authorized by the brig officer, prisoners may receive ET by participating in support activities, to include community service programs, special projects and work assignments supportive of institutional goals or missions, volunteer work, and work encompassing weekends and holidays, and for extraordinary achievements that do not rise to the level of those for which special acts abatement may be awarded. Examples include making toys for tots (if after duty hours), knitting baby blankets, volunteer weekend work (e.g., cleaning up the veteran's cemetery), dog training, etc. Generally, 1 day of ET should be associated for each documented 40 hours of creditable participation and satisfactory evaluation.

204. SAA. SAA is a deduction from a prisoner's release date earned for a specific act of heroism, humanitarianism, or extraordinary institutional or community support deemed appropriate by the brig officer.

#### 1. Eligibility

a. Prisoners serving a sentence imposed by a courts-martial for a definite term of confinement are eligible for SAA.

b. For prisoners who have an approved finding of guilty for an offense that occurred after 1 October 2004, the award of SAA shall be conditioned on the prisoners submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy of reference (c), if directed to do so.

c. Pre-trial prisoners are not eligible for SAA.

d. A prisoner with a life, life without parole, or death sentence may earn SAA, but such abatement shall be held in abeyance and only awarded if the sentence is reduced to a determinate sentence length.

2. Rate of Earning. The brig CO may authorize a maximum of 2 days of SAA per month for a period not to exceed 12 months for a single special act. At no time shall a prisoner receive more than 2 days of SAA per month; additional special acts may only extend the period of abatement, not the rate of earning.

3. Administration. SAA shall reduce a prisoner's normal release date on a day-for-day basis as earned.

4. Monthly Limit on Total of All Types of Abatement. The total of GCT and ET awarded for any 1 month shall not exceed 13 days, 15 days when SAA is awarded.

### **SECTION 3. FORFEITURE AND RESTORATION OF ABATEMENTS**

301. FORFEITURE AND RESTORATION OF ABATEMENTS. As a consequence of violations of brig rules or the Uniform Code of Military Justice, the approving authority may direct that a prisoner forfeit GCT, ET, and SAA that has been conditionally awarded.

#### 1. Forfeiture

a. Brigs shall use a discipline and adjustment (D&A) board for forfeitures.

b. Only abatement that has actually been earned before or on the date of a violation is subject to forfeiture.

c. Generally, ET and SAA should be considered as "vested." In cases that warrant significant forfeitures, GCT shall be forfeited prior to ET, and ET shall be forfeited prior to SAA.

d. Sentences that have expired with allowance for GCT, ET, and SAA may not be revived for the purpose of forfeiting GCT, ET, and SAA earned thereon.

e. Earned GCT for pre-trial prisoners is subject to forfeiture in the same manner as post-trial prisoners, but forfeitures shall be held in abeyance until a sentence to confinement begins.

f. Prisoners do not receive abatement credit for time spent in confinement prior to their release from confinement to supervision (e.g., parole or MSR). Upon release from confinement to supervision, the brig officer shall ensure all abatement is

forfeited and documented in CORMIS. Abatement forfeitures associated with release to supervision shall not be restored.

2. Restoration. Abatements forfeited as a result of the D&A board process, except forfeitures as a result of escape or release to supervision, may be reinstated at the discretion of the approving authority.

**SECTION 4. TRAINING**

401. TRAINING. Brig officers shall ensure all staff and prisoners are fully aware of the GCT, ET, and SAA programs, as well as sentence computation procedures.

1. Orientation to GCT, ET, and SAA programs shall be included in pre-service/in-service training and annually thereafter for all staff members.

2. Instructions concerning the elements of GCT, ET, and SAA, as well as prisoner opportunities and responsibilities, shall be thoroughly explained to the prisoners in the reception phase.

3. Staff qualifying as command duty officer shall receive additional training in sentence computation in order to review adjudged sentences to confinement of newly adjudged prisoners immediately upon confinement.



# NAVAL CORRECTIONS MANUAL

## ARTICLE 1640-100

### MISCELLANEOUS SERVICES

<b>Responsible Office</b>	NAVPERSCOM	Phone:	DSN	882-4444
	(PERS-00D)		COM	(901) 874-4444
			FAX	882-2626

<b>Reference</b>	(a) NAVMED P-117, Manual of the Medical Department, U.S. Navy (NOTAL)
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#### SECTION 1. MEDICAL SERVICES

##### 101. POLICY

1. Prisoners shall have access to the full range of medical and dental health care services provided to other active duty members to include, routine, emergency, and preventive care.

2. Upon arrival at a brig, all prisoners shall be informed of their access capability to health services and the associated grievance system. This information shall be communicated orally and in writing. No member of the brig staff shall disapprove a prisoner's request for health care services. The final authority for approval/disapproval shall rest with the brig medical officer or their designee. Written policy and procedures concerning health care and related grievance procedures shall be published by the brig officer and included in the prisoner rules and regulations.

##### 102. RESPONSIBILITY

1. Medical Care. Medical officer, when not assigned full time to the brig, shall be assigned in writing by the CO of the medical activity providing service to the brig to care for the medical needs of the prisoners and sanitary conditions of the brig per reference (a).

2. Dental Care. Dental officer, when not assigned full time to the brig, shall be assigned in writing by the CO of the dental

activity providing service to the brig to care for the dental needs of the prisoners and sanitary conditions of the brig.

3. Health Authority. The brig officer shall designate a health authority with responsibility for ongoing health care services pursuant to a written agreement or job description. Responsibilities shall include: define the scope of health care services; develop means to assure that the scope of services is provided and properly monitored; develop the brig's health policies and procedures; identify health care providers needed to provide the scope of services; establish systems for the coordination of care among multidisciplinary health care providers; and develop a quality management program. The health care authority may be a medical provider or health services administrator. When the health authority is other than a physician, final clinical judgments rest with a single, designated, responsible physician. The health authority is authorized and responsible for day-to-day operations of the brig health services program. The responsibility of the health authority includes arranging for all levels of health services, assuring the quality of all health services, and assuring that prisoners have access to them. Health services provides for the physical and mental well-being of the prisoner population and shall include medical and dental services, mental health services, nursing care, personal hygiene, dietary services, health education, and attending to environmental conditions.

#### 103. ROUTINE CARE

1. Health Screenings. All prisoners shall receive a health screening. At pre-trial confinement facilities (PCFs) and level I brigs this requirement is met by the confinement physical. At level II/III brigs, medical screenings shall commence upon the prisoner's arrival at the brig and shall be performed by qualified health care personnel. The initial screening shall inquire into whether the prisoner is being treated for medical or dental problems, whether they are currently on any medication, and if there are any current medical or dental complaints. All findings are to be recorded on a screening form approved by the medical officer. The results of the screening shall be maintained in the prisoner's health record. If prisoners are referred for emergency treatment at an out-of-brig location, their admission or return to the brig shall be predicated on written medical clearance. When the initial screening is conducted by trained brig staff, procedures shall require a

subsequent review of positive findings by a licensed health care provider. At level II/III brig this review can be accomplished by an independent duty corpsman (IDC). Written procedures and screening protocols shall be established by the brig medical officer in cooperation with the brig officer. The screening shall include the following as a minimum:

(1) Inquiry into: any past history of serious infectious or communicable illness and any treatment or symptoms; medications; current illness and health problems; dental problems; use of alcohol or other drugs; the possibility of pregnancy; and other health problems designated by the responsible medical provider;

(2) Observation of the behavior and physical appearance; and

(3) Recommendation for quarters assignment based on medical condition disposition and referral to an appropriate health care provider as needed.

2. Health Appraisal. A comprehensive health appraisal of each in-processing post-trial prisoner shall be completed. Test results, particularly for communicable diseases, shall be received and evaluated before a prisoner is assigned to housing in the general population. If there is documented evidence of a health appraisal within the previous 90 days, a new appraisal is not required, except as determined by the brig medical officer.

a. Within 14 days after arrival at the brig: review of the earlier received medical screening; collect additional data to complete the medical, dental, mental health, and immunization histories; record of height, weight, pulse, blood pressure, temperature; and other tests and examinations as appropriate; and

b. Within 14 days after arrival for prisoners with identified significant health care problems or within 30 days after arrival for prisoners without significant health care problems: medical examination, including review of mental and dental status; review of the medical examination, tests, and identification of problems by a health care provider; initiation of a treatment plan, including recommendations concerning quarters, job assignment, and program participation. Within 30 days, all prisoner confined at level II/III brig shall be screened by a dental officer/dentist.

3. Mental Health Screening. All inbound prisoner transfers shall receive an initial mental health screening during reception by a mental health trained or qualified mental health provider. The mental health screening shall include but not be limited to:

a. Inquiry into whether the prisoner has a present suicide ideation; a history of suicidal behavior; is presently prescribed psychotropic medication; has a current mental health complaint; is being treated for mental health problems; has a history of inpatient and outpatient psychiatric treatment; or has a history of treatment for substance abuse;

b. Observation of general appearance and behavior; evidence of abuse and or trauma; or current symptoms of psychosis, depression, anxiety, and or aggression; and

c. Disposition as to assignment to the general population of prisoners; assignment to the general population of prisoners with appropriate referral to mental health care and service; or referral to appropriate mental health care service for emergency treatment.

4. Mental Health Appraisal. At level II/III brigs, prisoners received by transfer shall undergo a mental health appraisal by a qualified mental health provider within 14 days of arrival. If there is documented evidence of a mental health appraisal within the previous 90 days, a new mental health appraisal is not required, except as determined by the mental health authority. Mental health examinations shall include, but not be limited to: an assessment of current mental status and condition; assessment of current suicidal potential and person-specific circumstances that increase suicide potential; an assessment of violence potential and person-specific circumstances that increase violence potential; review of available historical records; review of history of drug and alcohol treatment; review of history of sexual abuse-victimization and predatory behavior; assessment of drug and alcohol abuse and or addiction; use of additional assessment tools, as indicated; referral to treatment, as indicated; development and implementation of a treatment plan, including recommendations concerning housing, job assignment, and program participation.

5. Mental Health Program. A mental health program shall be maintained and shall include at a minimum: screening for mental health problems at time of reception; outpatient services for the

detection, diagnosis, and treatment of mental illness; crisis intervention and management of acute psychiatric episodes; stabilization of mentally ill and the prevention of psychiatric deterioration in the correctional setting; elective therapy services and preventive treatment where resources permit; provision for referral to mental health services for prisoners whose psychiatric needs exceed the treatment capability of the brig; and procedures for obtaining and documenting informed consent.

6. Substance Abuse Screenings, Assessment, and Treatment. Early identification, appropriate program assignment (education and or treatment) for substance abuse shall be accomplished through initial health screenings and a standardized battery assessment, which includes clinical assessment and reassessment.

7. Detoxification. Detoxification shall be accomplished only under medical supervision per BUMED policy, local, State and Federal laws and shall never occur within a brig.

8. Medication

a. Only medical personnel shall administer controlled substances and any medication for prisoners.

b. Brig medications shall be managed by medical staff per BUMED policy under the supervision of the brig medical officer. A formulary shall be made available that includes all prescription and non-prescription medications stocked in the brig or routinely procured from outside sources; a formalized process for obtaining non-formulary medications is available.

9. Pregnancy Management. If females are confined, pregnancy services shall include: pregnancy testing; routine and high-risk prenatal care; post-partum follow up; birth certificates/registry (unless mandated by State law) does not list a brig as the place of birth; comprehensive counseling and assistance, and family planning services prior to release.

10. Communicable Disease and Infection Control Program. Brigs shall have a written plan to address management of infectious and communicable diseases. The plan shall include procedures for prevention, education, identification, surveillance, immunization (when applicable), treatment, follow-up, isolation (when applicable), and reporting requirements to applicable local,

State, and Federal agencies. A multi-disciplinary team that includes clinical, security, and administrative representatives shall meet at least quarterly to review and discuss communicable disease and infection control activities.

a. There shall be a written plan to address the management of hepatitis A, B, and C. The plan shall include procedures for the identification, surveillance, immunization (when applicable), treatment (when indicated), follow up, and isolation (when indicated).

b. A plan shall be established for the management of bio-hazardous waste and for the decontamination of medical and dental equipment.

11. Chronic Care. A plan shall be established to treat chronic conditions such as hypertension, diabetes, and other diseases that require periodic care and treatment. The plan shall address the monitoring of medications, laboratory testing, the use of chronic care clinics, health record forms, and the frequency of special consultation and review.

12. Provision of Treatment. Written policy shall be in place to ensure that clinical decisions are the sole province of the responsible clinician and are not to be countermanded by non-clinicians. The responsible clinician determines what services are needed; the brig officer provides the administrative support for making the services accessible to prisoners.

13. Credentials. The brig shall have written policies that require professional staff to comply with applicable BUMED policy, State and Federal licensure, certification, or registration requirements. Verification of current credentials shall be maintained on file in the brig.

104. EMERGENCY MEDICAL PLAN. A written plan shall provide for 24-hour emergency medical, dental, and mental health services. In the event that primary health services are not available, and particularly in emergency situations, back-up facilities or providers shall be predetermined. Correctional and health care personnel shall be trained to respond to health-related situations within a 4-minute response time. A staff training program shall include annual first-aid and CPR training/re-certification.

105. SUICIDE PREVENTION AND INTERVENTION. There shall be a written suicide prevention plan that is approved by the local health authority and reviewed by the health care authority. The plan shall include specific procedures for handling intake, screening, identifying, and supervising a suicide-prone prisoner and be reviewed and signed annually. In addition, the plan shall include staff and prisoner critical incident debriefing and shall cover the management of suicidal incidents, suicide watch, assaults, prolonged threats, and death of a prisoner or staff member. It shall ensure a review of critical incidents by the local health authority, security, and mental health provider.

106. CONFIDENTIALITY. Information about a prisoner's health status is confidential. Non-medical staff only has access to specific medical information on a "need to know" basis in order to preserve the health and safety of the specific prisoner, other prisoners, volunteers, visitors, or brig staff. The active health record is maintained separately from the individual confinement record and access is controlled per BUMED policy and HIPPA guidelines.

107. INFORMED CONSENT. Informed consent standards shall be observed and documented for prisoner care in a language understood by the prisoner. Prisoners have the right to refuse medical, dental, and mental health care (in writing). If a prisoner refuses to sign the refusal form, it must be signed by at least two witnesses. The form must then be sent to the medical department and reviewed by a qualified health care professional. If there is a concern about prisoner decision-making capacity, an evaluation shall be completed especially if the refusal is for critical or acute care.

108. SPECIAL QUARTERS. When a prisoner is transferred to special quarters, health care personnel shall be informed immediately and shall provide assessment and review as indicated by the protocols established by the health authority. Unless medical attention is needed more frequently, each prisoner in special quarters shall receive a daily visit from a health care provider. This visit ensures that prisoners have access to the health care system. Health care provider visits are intended to be screening rounds and are not meant to be clinical encounters. Prisoners who request "sick call" are to be evaluated by the health care provider who determines the appropriate setting for further medical attention or examination. Health care providers

may request that a prisoner be removed from quarters for medical attention or examination. All "sick call" encounters shall be documented in the prisoner's health record.

109. INVOLUNTARY ADMINISTRATION OF MEDICATION (FORCED MEDICATION). The involuntary administration of psychotropic medication(s) to a prisoner shall be administered only with approval of NAVPERSCOM (PERS-00D) or CMC (PSL Corrections).

110. RESEARCH. The use of prisoners for medical, pharmaceutical, or cosmetic experiments is prohibited. This does not preclude individual treatment of prisoners based on their need for a specific medical procedure that is not generally available.

111. INTERNAL REVIEW, QUALITY ASSURANCE, AND PEER REVIEW. At level II/III briggs, a system of documented internal review shall be developed and implemented by the health authority per BUMED and ACA guidelines. In addition, a documented external peer review program for physicians, mental health professionals, and dentists is used by the brig every 2 years.

112. HUMAN IMMUNODEFICIENCY VIRUS (HIV)/ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

1. The brig shall have a written plan to address the management of HIV infection. The plan shall include procedures for the identification, surveillance, immunization (when applicable), treatment, follow-up, and isolation (when indicated).

2. Guidelines

a. Prisoners known, or subsequently found, to be HIV-positive may be housed in naval briggs.

b. Staff should respond to prisoner emergencies and other duties where contact with bodily fluids is a possibility with the assumption that all bodily fluids are contaminated.

c. Asymptomatic HIV-positive prisoners shall be housed with the general population. Prisoners may be moved to administrative segregation if they demonstrate at-risk behaviors that could reasonably lead to the transmission of the HIV virus (e.g., assaultive behaviors, sharing of razorblades, etc.).

d. Medical information relevant to HIV status shall be limited to the brig CO, brig officer, assistant brig officer (AOIC)/technical director/operations officer, and brig medical staff. The decision to notify other individuals shall be made only by the brig officer after consultation with medical staff and only when the individual has a legitimate need to know. This decision should be based on an evaluation of a prisoner's behavior and the risks the infected prisoner poses of exposing other persons to their body fluids. Where applicable, prior to a prisoner's release on parole/ mandatory supervised release (MSR), medical information shall be shared with the United States Probation Officer for purposes of post-release management and access to care. Release of all information shall be per the Privacy Act of 1974 and per the HIPPA of 1996. Parties with whom confidential medical information regarding another individual is communicated shall not share this information, by any means, with any other person. Medical information may be communicated among medical staff directly concerned with a patient's case in the course of their professional duties.

e. Prisoners who refuse clinically indicated diagnostic procedures and evaluations for infectious and communicable diseases shall be subject to isolation or quarantine from the general population until such time as they are assessed to be non-communicable or the brig medical officer determines the prisoners pose no health threat if returned to the general population.

f. The brig medical officer shall assess any prisoners with an infectious disease for appropriateness for duties and quarters.

3. None of the procedures or guidelines of this policy are meant to limit or override the exercise of sound medical judgment on the part of the health authority/medical officer responsible for medical care. Each case shall be evaluated on its own merits and individual circumstances.

113. HEALTH/DENTAL RECORDS. Records shall be placed under the supervision of designated medical personnel. Health/dental records shall accompany the prisoner to medical/dental appointments or whenever admission to the hospital is required. Records shall be handled only by the escort in order to ensure documented care is not removed from the records.

114. MENTAL HEALTH EVALUATIONS. At level II/III brigs, a comprehensive mental health evaluation shall be conducted by a licensed, credentialed mental health professional within 14 days of a referral request.

## **SECTION 2. SUPPORT SERVICES**

201. MESS DECK OPERATIONS. Mess deck is a critical area of operation as it applies to the security and morale of staff and prisoners alike.

1. Management. Prisoners may be used as mess personnel under the mess supervisor's direction. A staff member shall be assigned to supervise the mess deck operation and monitor the quality and quantity of food served. Larger brigs may have internal food preparation areas which greatly aid overall efficiency but which require additional security measures. In all cases, care must be taken in the accountability of silverware and other kitchen utensils which may be used as weapons. If food is to be brought in from external areas, precautions must be taken to ensure the food is kept warm and is properly served. Food served in the brig dining area shall be of the same quality and quantity as that served on installation dining facilities. Control of utensils can be achieved by requiring prisoners to take one of each and return them all, under the supervision of duty personnel, as they enter and leave the messing area. Prisoners shall be permitted to talk in normal conversational tones to persons at their table during their meals, and at all other times and places where not prohibited by military custom.

2. Dietary Allowances. Brigs shall maintain documentation that prisoner dietary allowances are reviewed at least annually by a qualified nutritionist or dietician to ensure that they meet the nationally recommended allowances for basic nutrition. Menu evaluations are conducted at least quarterly by the brig food service supervisory staff to verify adherence to the established basic daily servings.

3. Therapeutic Diets. Therapeutic diets shall be provided as prescribed by appropriate clinicians. A therapeutic diet manual shall be available in the health services and food services areas for reference and information.

4. Food Services Health and Safety. Food service facilities and equipment shall be inspected by naval preventive medicine to

ensure established governmental health and safety codes are met and that corrective action is taken to correct any deficiencies. Written documentation shall be readily available for review and shall be maintained on file for two complete inspection cycles.

5. Food Preparation and Handling. The brig shall provide for adequate health protection for all prisoners and staff in the brig, and prisoners and staff and other persons working in the food service, and document the following as appropriate:

a. Brig medical staff examine all prisoner galley workers prior to assignment and a periodic re-examination to ensure freedom from diarrhea, skin infections, and other transmissible illnesses;

b. When the brig's food services are provided by base services, the brig shall maintain written verification of compliance with Navy Medical Command regulations regarding food services;

c. All food handlers shall be instructed to wash their hands upon reporting for duty and after using bathroom facilities; and

d. Prisoners and others working in food service areas shall be monitored each day for health and cleanliness by the food services supervisor.

6. Refusal of Food. The brig officer is responsible to monitor the health and welfare of individual prisoners, and to ensure procedures are followed that minimize the chance of prisoner self-inducing grievous harm as a result of a hunger/drinking strike.

a. Definition

(1) Prisoners are on a hunger strike when:

(a) They communicate that fact to staff and are observed by staff to be refraining from eating for a period in excess of 72 hours (nine meals); or

(b) Staff observe the prisoner(s) refraining from eating for a period in excess of 72 hours (nine meals).

(2) Prisoners are on a drinking strike when:

(a) They communicate that fact to staff and are observed by staff to be refraining from drinking for a period in excess of 48 hours; or

(b) Staff observes the prisoner(s) refraining from drinking for a period in excess of 48 hours.

b. Referral

(1) Staff shall refer the prisoner observed to be on a hunger/drinking strike to medical staff for evaluation and, when appropriate, for treatment.

(2) When staff considers it prudent, a referral for medical evaluation may be made without waiting 72/48 hours. A hunger/drinking strike may be announced by the prisoner, or observed by staff. At times, an allegation of a hunger/drinking strike will be made that is not reflected by any overt action, and is merely a bid to gain attention. Prisoners with a metabolic or other illness, who deviate from normal eating habits or intake of fluid, could experience an immediate, adverse physiological or psychological reaction. For other prisoners, a deviation from normal eating or drinking habits may represent a manifestation of a mental disorder. In any case, it is recognized that after long-term deprivation of food and shorter-term deprivation of fluids, serious irreversible changes or even sudden death may occur.

(3) When considered medically appropriate, the brig medical staff shall recommend the prisoner be transferred to a military treatment facility (MTF) for inpatient admission in a locked hospital ward or other medically appropriate secure room when available depending on custody. The decision to admit a prisoner to an inpatient status shall be made by a health care practitioner with admission privileges at the MTF. Indications for hospitalization during fasting include but are not limited to: more than 10 percent weight loss, elevated heart rate, edema, increasing blood urea nitrogen and decreased mental status. Prisoners in administrative or disciplinary segregation may be retained in their respective quarters unless the medical staff determines movement to an MTF is necessary.

c. Reporting. NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) shall be alerted immediately of any hunger/drinking strike, and shall be kept continually advised.

d. Liquid/Food and Input/Output

(1) Staff shall provide and deliver to the prisoner's quarters, three meals a day or as otherwise authorized by the brig medical officer. A verbal offer of a meal shall not suffice.

(2) Staff shall provide the prisoner an adequate supply of drinking water. Other beverages shall also be offered.

(3) If ordered by the brig medical officer, all food and water to be given to the prisoner and any intake by the prisoner shall be measured and recorded for subsequent evaluation. All output shall be measured and recorded, to the extent possible. These procedures shall continue until terminated by the brig medical officer or transfer to an MTF.

e. Initial Medical Evaluations and Management

(1) Medical staff shall perform the following minimum procedures upon initial referral of a prisoner on hunger/drinking strike:

(a) An intake history; and

(b) A general physical examination, which should include:

1. Height and weight measurements;

2. Vital signs;

3. Urinalysis;

4. A complete blood count, blood chemistry tests and other tests as indicated by medical evaluation; and

5. A mental status examination.

(2) Medical staff shall take and record weight and vital signs at least once every 24 hours while the prisoner is on a hunger/drinking strike. Other procedures identified in paragraph 6a shall be repeated as medically indicated.

(3) When a valid medical reason exists, medical staff may modify, discontinue, or expand any of the medical procedures described in this section.

(4) When a prisoner on a hunger/drinking strike is transferred to a MTF, security shall be maintained.

(5) Medical staff shall record, in the appropriate section of the prisoner's medical file, entries for all medical procedures described in this section.

f. Refusal to Accept Treatment. When health care is rendered against a prisoner's will, it shall be per BUMED policy.

(1) When the brig medical officer determines that the prisoner's life or permanent health will be threatened if treatment is not initiated immediately, the brig medical officer shall give consideration to forced medical treatment of the prisoner. The decision to force treatment upon the prisoner is a medical decision with legal implications. The brig medical officer must be convinced, to a reasonable medical certainty, that the life or permanent health and well-being of the prisoner is immediately threatened.

(2) When it appears to medical staff that the situation is deteriorating to the extent that intervention may become unavoidable, the case shall be referred to an appropriate staff judge advocate for advice.

(3) Prior to medical treatment being administered against the prisoner's will, the brig medical officer shall take reasonable steps to obtain informed consent for treatment. Medical/health risks faced by the prisoner, if treatment is not accepted, shall also be explained. Discussion should include the risks, benefits, and alternatives to therapy, be documented in detail in the prisoner's medical records, and be signed by the prisoner or a witness. A chaplain/mental health professional may be needed during this process.

(4) When, after reasonable efforts to obtain the prisoner's consent fails or if an emergency prevents efforts to obtain the prisoner's consent, and a medical necessity for immediate treatment of a life or health-threatening situation exists, the medical officer may order that treatment be administered without the consent of the prisoner.

(a) Treatment efforts shall be documented in the medical record of the prisoner. The brig officer shall provide prompt notification to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections) of any forced treatment, with a full explanation of the background and reasons for the treatment. Written follow-up reports of such treatment shall be submitted to NAVPERSCOM (PERS-00D) or CMC (PSL Corrections). Forced treatment must be cleared through the staff judge advocate unless precluded by medical emergency.

(b) Only a medical officer may order forced medical treatment once legal consent is obtained, unless precluded by medical emergency.

(5) Medical staff normally shall continue clinical and laboratory monitoring, as necessary, until the prisoner's life or health is no longer threatened. Treatment normally shall continue until adequate oral intake of food and liquid is achieved.

(6) Medical/clinical staff shall continue medical, psychiatric/psychological follow-up as long as necessary.

g. Release from Treatment. Only the medical officer may order a prisoner be released from hunger/drinking strike intervention and treatment. This order shall be documented in the prisoner's medical record.

202. SEXUAL ASSAULT PREVENTION AND REPORTING. Policies, procedures and practices shall ensure that:

1. Prisoners are screened within 24 hours of arrival for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior and housing assignments are made accordingly;

2. An investigation is conducted and documented whenever a sexual assault or threat is reported;

3. Prisoners identified as high risk with a history of sexually assaultive behavior are assessed by a mental health or other qualified professional, monitored, and counseled;

4. Prisoners identified as at risk for sexual victimization are assessed by a mental health or other qualified professional, monitored, and counseled;

5. Prisoners who are victims of sexual abuse have the option to report the incident to:

(1) Unrestricted Reporting. Designated staff member other than an immediate point-of-contact line officer (if needed an investigation shall be initiated); or

(2) Restricted Reporting. Uniformed Victim Advocate, Sexual Assault Response Coordinator (SARC), medical care provider, or victim advocate; and

6. All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition medical and counseling evaluation findings, and recommendations for post-release treatment and or counseling are retained per established schedule.

### 203. BARBER SHOP OPERATIONS

1. Barber services may be provided by the brig. Prisoners in a non-pay status shall be funded from the brig's operating budget or other funding source, unless the haircut is provided by a brig staff member or prisoner barber, as outlined below. Prisoners in a pay status normally shall receive and pay for haircuts by debit to their pay account; however, in all cases, haircuts provided by a brig staff member or prisoner barbers shall be at no cost to the prisoner.

2. Military barbers (staff and prisoners) are authorized to cut prisoners' hair if trained and certified. To be considered trained and certified, military barbers shall have completed the appropriate military training required for assignment of the respective military service specialty code. Civilian barbers are authorized to cut prisoners' hair provided they are licensed, or certified through a formal barber school, according to State or territorial law.

3. Prisoner barbers undergoing training must work under direct supervision of a qualified barber (civilian or military). Once designated as a qualified barber, prisoners may be supervised by brig staff.

4. Barbershops located within a brig shall meet all sanitation requirements directed by medical regulations.

5. The brig shall maintain a file of current licenses and certificates of military barbers.

204. LIBRARY SERVICES. The brig library may be a branch of the installation library.

1. Availability. Library services shall be available within the brig. These services shall provide an opportunity for education, information, and recreation. The library shall be readily accessible and provide a selection of up-to-date materials. Close coordination shall be maintained with the installation library which has the responsibility to support tenant commands and personnel with library services. Prisoners shall be permitted to have approved reading material in their living quarters. Prisoners shall have access to legal material.

2. Materials. Newspapers and periodicals shall be a regular part of the library program and included in the budget of the brig. If not part of the brig budget, newspapers and periodicals shall be provided by the installation library as part of the library program. The installation library can offer pertinent information regarding library services.

205. LAUNDRY OPERATIONS. All brigades shall ensure adequate means of washing prisoners' clothes are provided. Laundering of sheets, pillowcases, and dry cleaning of blankets shall be accomplished by the brig or at a command laundry facility. Sheets, pillow cases, towels, and face cloths shall be laundered at least once a week. Soiled blankets shall be laundered/exchanged as necessary, but quarterly at a minimum. At no time is the use of prisoner laundering facilities, located within a brig, authorized for use by staff members or other private individuals or organizations without specific authorization of the brig officer. General laundry work done for other military units is authorized, providing it does not include laundry for individuals, and does not hamper the normal operations of the brig. A staff member trained in the use of laundry equipment shall be assigned to supervise this operation.



## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-110

#### MANAGEMENT OF MIXED-GENDER COMMINGLED PRISONERS AND STAFF SUPERVISION OF OPPOSITE-GENDER PRISONERS

<b>Responsible Office</b>	NAVPERSCOM (PERS-00D)	Phone:	DSN	882-4444
			COM	(901) 874-4444
			FAX	882-2626

<b>Reference</b>	(a) SECNAVINST 1640.9C
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#### SECTION 1. BACKGROUND

101. BACKGROUND. Confinement of both male and female prisoners in a brig manned by both male and female staff presents significant correctional challenges and requires a gender-relevant approach to ensure safety, security, and meet identified privacy needs.

#### 102. DEFINITIONS

1. Commingled Mixed-Gender Prisoners. Male and female prisoners mixed in the same space/area at the same time.
2. Opposite-Gender Supervision. Brig staff supervising a prisoner of the opposite gender.

#### SECTION 2. MANAGEMENT AND SUPERVISION OF COMMINGLED MIXED-GENDER PRISONERS

#### 201. POLICY

1. Per reference (a), there shall be no prisoners of the opposite gender confined in the same space at the same time. For the purposes of this manual, the term "space" refers to quarters, to include cells and open-bays. At no time shall male and female

prisoners be commingled in any space during the period between taps and reveille; or at any time or location without direct staff supervision.

2. Brigs shall ensure visual and acoustic berthing separation of males and females confined, if simultaneous confinement of male and female Service members is authorized. For the purposes of this manual, "acoustic separation" is defined as out of range of normal conversation.

3. For operational planning purposes, the plan of the day shall distinctly identify authorized commingled, mixed-gender events and times for general population prisoners. Adequate supervision and communication requirements shall be in place prior to the commencement of the activity.

4. To the greatest extent possible, male and female prisoners shall not be assigned simultaneously in the same program/work areas, while ensuring both have full access to a full range of programming opportunities. If assigned to the same work site simultaneously, the supervisor shall provide direct supervision continuously and enforce prisoner rules that restrict mixed-gender communication to only that required to carry out the assigned work/task.

5. Mixed gender prisoner working parties are not authorized outside of the brig security perimeter without specific authority of the brig officer or designee.

6. At no time shall commingled male and female prisoners be unsupervised without a staff member being directly present in the program or work room/immediate area.

7. Staff members shall permit no integration between opposite-gender prisoners except for verbal greetings and authorized exchanges during supervised activities (e.g., work details, religious activities, prisoner Morale, Welfare, and Recreation (MWR) activities such as holiday functions, assigned group therapy sessions, etc.).

**SECTION 3. STAFF SUPERVISION OF OPPOSITE-GENDER PRISONERS**301. POLICY

1. Staff shall not be assigned duties which require supervision of prisoners of the opposite sex at times when nudity routinely occurs.
2. Prisoners shall be informed during reception that they are subject to observation by staff, to include staff members of the opposite sex. During use of the toilet, showering, changing clothes, and similar periods of undress and nudity, mitigation efforts shall be employed by the brig to protect prisoner privacy. Efforts (temporary or otherwise) may include staff replacements to ensure observation by only staff members of same sex, privacy screens/partitions for each head area/shower, etc. Nudity shall not be permitted in common areas.
3. When both male and female prisoners are simultaneously confined in the facility, at least one male and one female staff member shall be on duty at all times and be positioned in a manner to support same gender supervision requirements.
4. Accommodations shall be in place to ensure camera monitoring by staff ensures adequate mixed-gender privacy (e.g., during use of the toilet, showering, changing clothes, and similar periods of undress and nudity). Where necessary, staff augmentation shall be employed to mitigate security and supervision concerns. For special quarters prisoners in a camera cell, specialized clothing may be used to provide privacy from camera view. Such clothing would provide sufficient coverage of the body when seated on a toilet (i.e., longer than a standard uniform shirt).
5. Brig staff, volunteers, and all visitors who interact with prisoners of the opposite gender shall always be under the continuous observation of other correctional staff, at all locations. While direct observation is desired, frequent indirect observation such as camera or observation through a window is authorized.
6. Correctional staff shall not conduct mixed-gender frisk-searches, except as necessary in the event of an emergency affecting facility safety and security. Such searches shall be documented with an incident/information report and notated in the brig log.

7. Opposite-gender strip searches are prohibited.
8. Where mixed gender correctional activities are authorized, there shall be direct communication (radio) between the correctional staff and the control center. The command duty officer/duty brig supervisor (BDO/DBS) shall pre-authorize and acknowledge mixed gender presence, ensuring supervision requirements are in place.
9. Male staff shall not be permitted to enter places where females are housed, including a visual control center, unless they are accompanied by female staff, and only when entry is justified. The area shall first be visually clear of prisoners who may be clothed inappropriately for the presence of male staff, and prior to entry, "male on deck" shall be sounded loud enough for personnel in rooms to hear. When female staff members enter a male area, the same procedures are followed and "female on deck" shall be sounded. Justification for entry includes:
  - a. Assist a prisoner;
  - b. Restrain a prisoner;
  - c. Accompany medical personnel; or
  - d. Conduct official business.
10. Maximum and medium custody prisoners, both male and female, require direct supervision by staff within the quarters. Direct supervision is defined as the continuous presence of a correctional staff member when prisoners are within a quarters.
11. Prisoner rules and regulations shall be published at each brig that:
  - a. Identify mitigation efforts that provide privacy such as screens/partitions for each head area/shower, etc., and the prisoner's obligation to use available protocols and procedures to avoid compromising themselves or undermining the staff; and
  - b. Advise prisoners that they shall not initiate or involve themselves in unduly familiar relationships with staff, volunteers, or other prisoners (e.g., knowingly expose themselves

in a state of undress where not authorized, conduct conversations of an intimate nature, or engage in sexual contact of any nature).



## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-120

#### SUICIDE WATCH COMPANION (SWC) PROGRAM

<b>Responsible Office</b>	NAVPERSCOM	Phone: DSN	882-4444
	(PERS-00D)	COM	(901) 874-4444
		FAX	882-2626

<b>References</b>	(a) Secretary of the Navy Manual M-5210.1 of November 2007
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<b>Exhibits</b>	A DOJ FBOP PS P5324.08 of 5 Apr 07 (Subj: Suicide Prevention Program) (NOTAL)
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#### SECTION 1. GENERAL

101. APPLICABILITY. A Suicide Watch Companion (SWC) program is authorized at level II/III brigs consistent with the provisions of this article. The purpose of this program is to bolster a brig's suicide prevention program by authorizing screened and trained post-trial prisoner observers to participate in a SWC program to assist correctional staff in monitoring suicide risk prisoners.

#### 102. DEFINITIONS

1. Suicide Risk Status. Prisoners who previously have had recent suicidal thoughts, threatened suicide, or have made a suicidal gesture, but are found fit for confinement.

2. SWC. Specially screened, trained, and selected post-trial prisoners who provide one-on-one, continuous observation to suicide risk status peers.

3. Continuous Observation. Also known as "eyes-on" observation. Direct physical presence or direct viewing by camera as an individual's primary duty (no other taskings can be performed during this level of observation).

**SECTION 2. POLICY AND PROCEDURES**

201. POLICY. This manual requires a correctional staff member to provide continuous observation of prisoners on suicide risk status and provides for the use of a prisoner observer to assist in meeting the continuous observation staff requirement. The SWC program, modeled on the Federal Bureau of Prisons (FBOP) program (exhibit (a)), authorizes the use of a prisoner observer to assist in meeting the continuous observation staff requirement. Under the SWC program, screened and trained post-trial prisoner observers may be used to provide "eyes-on" observation under the direct supervision of a correctional staff member.

1. Only the brig commanding officer (CO) may authorize the use of SWCs to participate in the SWC program. Where the SWC program is utilized, a SWC program coordinator shall be assigned in writing by the brig CO. The SWC program coordinator shall be responsible for the selection, training, assignment, and removal of individual SWCs. The program coordinator shall be a fully credentialed and privileged clinical psychologist or doctoral-level social worker.

2. Authorization for the use of a SWC is to be made by the brig CO on a case-by-case basis.

3. The decision to use a SWC shall be predicated on the fact that it only takes 3 to 4 minutes for many suicide deaths to occur.

4. SWCs shall perform this duty in addition to their normal work assignment.

202. PROCEDURES

1. Selection of SWCs. Because of the very sensitive nature of such assignments, the selection of SWCs requires considerable care. To provide round-the-clock observation of potentially suicidal prisoners, a sufficient number of observers should be trained, and alternate candidates should be available. SWCs shall be selected based upon their ability to perform the specific task, but also for their reputation within the brig.

a. As part of the screening process, the program coordinator shall select individuals who are:

(1) Mature, reliable, and have credibility with both staff and prisoners;

(2) Able to protect the suicidal prisoner's privacy from other prisoners, while being accepted in the role by staff; and

(3) Able to perform their duties with minimal need for direct supervision.

b. In addition, any prisoner selected as a SWC shall not:

(1) Be in pre-trial status;

(2) Have been found to have committed category V disciplinary offense within the last 6 months; or

(3) Be in a program/treatment refusal status.

2. SWC Training. There shall be a written training plan approved by the SWC program coordinator. Each SWC program participant shall receive at least 4 hours of initial training before being assigned to a SWC shift. Each SWC shall also receive quarterly refresher training. Each training session shall review policy requirements and instruct program participants on their duties and responsibilities during a suicide watch, including:

a. The location of suicide watch areas;

b. Summoning staff during all shifts;

c. Recognizing behavioral signs of stress or agitation;

d. Recording observations in the Suicide Watch Log;

3. SWC Agreement. An agreement titled "Suicide Watch Companion (SWC) Program Prisoner Observer Position Description, Standards, and Orientation Agreement of Understanding and Expectation" shall be developed as outlined in paragraph 7 below. The Clinical Services Department Head shall review this agreement with each SWC program participant. A completed and signed agreement shall be signed by the Clinical Services Department Head and countersigned by the SWC program participant acknowledging that they have read and understood the conditions set forth in the agreement.

#### 4. SWC Oversight and Supervision

a. SWCs shall meet at least quarterly with the program coordinator or designee to review procedures, discuss issues, and supplement training. After each suicide watch case where SWCs are assigned, the program coordinator or designee shall debrief them, individually or in groups, to discuss their experiences and identify potential program changes.

b. In no case shall a SWC be assigned to a watch without adequate provisions for staff supervision or without the ability to obtain immediate staff assistance. When a SWC alerts staff to an emergency situation, staff shall immediately respond to the suicide watch cell and take necessary action to prevent the prisoner on watch from incurring debilitating injury or death.

c. Although SWCs are selected on the basis of their emotional stability, maturity, and responsibility, the following level of staff supervision shall be provided while a SWC performs a suicide watch:

(1) Indirect supervision by staff members within special quarters via continuous video observation of the prisoner and observer.

(2) Supervision shall consist of staff in-person checks at least every 15 minutes. Staff shall initial the chronological log upon conducting checks and annotate the prisoner's DD 509 Inspection Record of Prisoner in Segregation.

5. SWC Shifts. SWCs ordinarily shall work a 4-hour shift. Except under unusual circumstances, SWCs shall not work longer than one 4-hour shift in any 12-hour period.

6. SWC Records. The program coordinator shall maintain a file, which shall be available to supervisory correctional staff during non-regular working hours. The file shall contain:

a. An agreement ("Suicide Watch Companion (SWC) Program Prisoner Observer Position Description, Standards, and Orientation Agreement of Understanding and Expectation") signed by each SWC program participant;

b. Documentation of attendance and topics discussed at training meetings;

c. Lists of prisoners available to serve as SWCs; and

d. Documentation of the removal of a SWC program participant.

7. Removal. At the discretion of the program coordinator or designee any SWC program participant may remove from the SWC program. Removal of a SWC program participant shall be documented in the records kept by the program coordinator.

8. Earned Time (ET) Abatement. SWC program participants are eligible for earned time under the support activities category of abatement per article 1640-090, paragraph 202.9.e of this manual. SWCs shall receive one day of ET per month, provided at least one shift was worked during the month. Credit shall be given if a SWC was not required to work an entire shift (e.g., if only needed 3 hours of a 4-hour shift, credit for an entire shift would be granted). Regardless of how many shifts worked during a month, one day of ET is the maximum amount of credit that shall be awarded.

9. Records Management. Records created as a result of this manual, regardless of media and format, shall be managed per reference (a).

10. SWC Program Acknowledgement. SWC program participants shall be required to review and sign a "Suicide Watch Companion (SWC) Program Prisoner Observer Position Description, Standards, and Orientation Agreement of Understanding and Expectation" form which shall contain the following:

a. Introduction. The introduction shall cover that the position of a SWC program participant assigned to the SWC program entails important responsibilities and duties, which include observing prisoners placed on suicide risk (SR) status, and that all SWCs shall receive specific training for such responsibilities.

b. Major Duties and Responsibilities

(1) The most important duty assigned to the SWC program concerns the observation of prisoners placed on SR status. SWCs who are fatigued, ill, or emotionally distressed, should inform the appropriate staff and be excused from their watch until their condition improves.

(2) SWCs shall position themselves directly outside of the SR prisoner's cell with a clear line of vision to all of the prisoner's actions through the observation window/opened food slot. Prisoners on SR shall be under constant observation ("eyes on") by either a prisoner observer or a staff member. Reading, listening to radios/CDs, or any use of headphones/ear buds is not permitted when conducting a suicide watch. Staff, rather than SWCs, shall observe showers and toileting. SWCs should serve no more than 4 hours on watch. Those on any shift between 1700-0600 shall have the option of working their regularly scheduled job the following day or taking the day off.

(3) SWCs shall be responsible for observing the behaviors of SR prisoners, noting any changes and making regular, 15-minute entries on the SWC program observation form. The observation form shall be transferred at the end-of-shift into the SWC program binder. Significant changes in behavior shall be closely monitored and immediately reported to the quarters supervisor. SWCs shall log and pass on all pertinent information to staff and their SWC program relief. SWCs shall respect confidentiality and shall not disclose any information regarding their watch/shift to persons not involved in the program.

(4) SWCs shall follow all rules/policies as outlined during training and in this position description. SWCs shall not have physical contact with or pass items to SR prisoners. When SR prisoners require food, clothing, or other items, it shall be reported to the quarters supervisor.

(5) Working as a SWC can be very difficult at times. Prisoners suffering from mental illness can be loud, demanding, and insulting. SWCs are expected to speak to clinical services staff when confronted with these types of difficult behaviors. SWCs shall not taunt, make fun of, or become involved in verbal arguments with SR prisoners. If the SR prisoner reacts negatively to being observed by a SWC, the SWC shall notify the quarters supervisor, and the command duty officer shall excuse the SWC from watch. SWCs shall log such incidences after reporting them to the quarters supervisor.

#### 11. Safety and Personal Appearance

(1) SWCs shall report to the quarters supervisor and log any unsafe condition, equipment, or material, or accident, injury, or evidence of impaired health, observed during their shift.

(2) In case of an emergency requiring evacuation of the dorm, SWCs shall follow the direction of the quarters supervisor. SWCs shall be familiar with the location of the emergency exits in the area of their watch.

(3) SWCs shall comply with the brig dress code according to the plan of the day; thus, if at the time the shift begins the dress code is a relaxed uniform then that uniform shall be the SWC's uniform for that shift.

(4) Restroom (or other) breaks are authorized as long as coordinated with staff to ensure there is no break in the eyes-on supervision.

## 12. Job Controls

a. A work schedule is maintained to provide continuous 24-hour coverage with one SWC working each shift. Each SWC shall be assigned to a watch for a 4-hour period. The work schedule includes days, evenings, weekends, and holidays and is subject to change. The 24-hour shift schedule shall be worked in its entirety (unless the SR prisoner is removed from SR status prior to the 24-hour period ending). For example, if a prisoner is placed on SR status at 0100, one would utilize that entire 24-hour shift before going on to the next 24-hour shift as the schedule is based on a 24-hour shift not a 24-hour day.

b. SWCs shall not enter the SR prisoner's cell. The SWC's meals and medications shall be provided in male special quarters (SQs)/female special quarters. The supervising clinical services staff member or command duty officer/duty brig supervisor (CDO/DBS) shall be notified prior to a SWCs absence (due to illness, etc.) to ensure that another prisoner observer can cover that particular watch/shift.

c. Each SWC shall sign in and out of the log binder (maintained in the dorm) and is responsible for having the current SQ staff member initial the hours worked.

d. Regularly scheduled meetings, at least quarterly, shall be held with pertinent staff to review procedures, discuss issues, and supplement training. As SWCs will occasionally need to be replaced (due to release, etc.), unit managers shall submit new SWC program candidate names regularly to the clinical services staff member who shall maintain a waiting list. Once the program is established, 2 hours of on-the-job training shall occur before the new SWC takes an initial shift.

## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-130

#### INCENTIVE PROGRAM

<b>Responsible Office</b>	NAVPERSCOM (PERS-00D)	Phone:	DSN	882-4444
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<b>REFERENCE</b>	(a) SECNAVINST 1640.9C
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#### **SECTION 1. INCENTIVE PROGRAM**

##### 101. INCENTIVE PROGRAM

1. Purpose. Per reference (a), in a corrections setting, a system of incentives is critical to encourage positive behavior. Incentives should recognize both group and individual attainment. Awarding of incentives for prisoners should be accomplished on a stringent and selective basis and only as clearly earned by achievement. The ultimate goals of the naval corrections program are to enhance public and command safety and security by building self-discipline and self-reliance in the individual, recognize efforts by prisoners to deal with their confining offense, and improve the functioning of the brig.

##### 2. Background

a. Correctional philosophy advocates the need to differentiate pre-trial prisoners from post-trial prisoners, as pre-trial prisoners have not been convicted of Uniform Code of Military Justice (UCMJ) offenses for which charged. This is accomplished in a number of mandated ways (e.g., badge coloring to recognize legal status, retention of cloth insignia, selective allowance for pre-trial prisoners to grow Service authorized facial hair (mustache), work segregation, training segregation) and other locally employed means that attaches to pre-trial legal status (e.g., quarters separation, increased visiting time, and extra telephone calls). Brig officers shall recognize the need to differentiate pre-trial prisoners from post-trial prisoners

and implement measures consistent with this philosophy. The incentive program guidelines contained herein, unless specifically noted, are applicable to pre-trial prisoners and post-trial prisoners.

b. Incentive awards shall be firmly grounded in the philosophy that prisoners shall earn every incentive they receive. Incentives shall be awarded based on measurable performance and may change as frequently as performance changes. Incentives are to be earned with effort and lost quickly due to poor performance or behavior, or lack of participation or progress in individually tailored program plans, where applicable.

c. Incentive programs throughout the naval corrections system display a wide array of program parameters and guidelines. In the past, non-participation of post-trial prisoners in offense-related programs has often had little to no impact on a prisoner's incentive level; this does not meet the intent of reference (a). If incentives are to encourage personal responsibility, recognize individual attainment, and reward offense-free behavior, it follows that post-trial prisoners who are not addressing their confining offenses (via available offense-related programs) do not meet the criteria for advanced incentives.

3. Guidelines. To increase participation and progress in offense-related programs for post-trial prisoners as mandatory criteria for incentive level advancement, and allow applicability to all categories of prisoners, the following guidelines are established.

a. Brigs shall establish an incentive program consistent with the philosophy and policies set forth within and guidance provided by NAVPERSCOM (PERS-00D) and CMC (PSL Corrections), as applicable. Based on the below listed performance and behavior identifiers of individual prisoners and groups of prisoners, brigs shall provide incentives. Each brig shall review the below authorized incentives list to determine the incentives feasible at that brig and select from this list. It is not desirable to select too many incentives due to resource issues and impact on staff managing this program. The following examples are provided:

(1) Level II/III Brigs. The following information provides specific incentive program guidelines applicable to level II/III brigs.

(a) Level 1 Incentives (Individual)

1. Performance and behavior identifiers evaluated over a 1-month period include:

a. Completion of orientation;

b. No disciplinary and adjustment (D&A) board guilty finding for rule violations in past 1-month period;

c. No more than 1 "Unsat" cell/personnel inspection in past 1-month period;

d. Average or better work and training report(s) in past 1-month period; and

e. Active involvement in the development of a program plan (post-trial prisoners).

2. Examples of level 1 incentives include:

a. Additional weekly phone call(s) or time per call; and

b. Additional visitation time.

(b) Level 2 Incentives (Individual)

1. Performance and behavior identifiers evaluated over a 3 consecutive month period beginning after level 1 placement date include:

a. No D&A board guilty findings for rule violations in past 3-month period;

b. No more than 2 "Unsat" cell/personnel inspections in past 3-month period;

c. No more than 1 work and training report rating below "average" in the past 3-month period; and

d. Satisfactory progress and participation in available offense-related programs as applicable (e.g., Sex Offender Treatment Program, Violent Offender Treatment Program, substance abuse treatment, etc.) (post-trial prisoners).

2. Examples of level 2 incentives include:

a. Addition of, or increase in limits to, incentives listed under level I;

b. Additional library use;

c. Additional recreation time;

d. Lights on in cell past taps;

e. Use of computers; and

f. Special seating or head-of-line privilege (non-chow related).

(c) Level 3 Incentives (Individual)

1. Performance and behavior identifiers evaluated over a 6 consecutive month period beginning after level 2 placement date include:

a. No D&A board guilty finding for rule violations in past 6-month period;

b. No more than 2 "Unsat" cell/personnel inspections in past 6-month period;

c. No more than 2 work and training report ratings below "above average" in the past 6-month period;

d. Compliance with program plan, including educational, vocational, and counseling programs (post-trial prisoners);

e. Satisfactory progress and participation in available offense-related programs as applicable (e.g., Sex Offender Treatment Program, Violent Offender Treatment Program, substance abuse treatment, etc.) (post-trial prisoners); and

f. At least 2 documented incidents of participation in a voluntary program (e.g., self-help group, religious program, etc.) or voluntary duty (e.g., clean-up detail, etc.) in the past 6 months.

2. Examples of level 3 incentives include:

a. Addition of, or increase in limits to, incentives listed under level 1/2;

b. Authorized to purchase a walkman and cassettes/CDs;

c. Exempt from designated unit field day;

d. AC adapter;

e. Eligible to participate in outreach program;

f. Photo album;

g. Exemption from specified inspections;

h. Authorized to wear a wristwatch; and

i. One personal appliance (iron, hair dryer, curling iron, electric razor).

(d) Level 4 Incentives (Individual)

1. Performance and behavior identifiers evaluated over a 12 consecutive month period beginning after level 3 placement date include:

a. No D&A board guilty finding for rule violations in past 6-month period;

b. No more than 2 "Unsat" cell/personnel inspections in past 6-month period;

c. Above average or better work and training reports in past 6-month period;

d. Compliance with program plan, including educational, vocational, and counseling programs (post-trial prisoners);

e. Satisfactory progress and participation in available offense-related programs as applicable (e.g., Sex Offender Treatment Program, Violent Offender Treatment Program, substance abuse treatment, etc.) (post-trial prisoners); and

f. At least 3 documented incidents of participation in a voluntary program (e.g., self-help group, religious program, etc.) or voluntary duty (e.g., clean-up detail, etc.) in the past 6-month period.

2. Examples of level 4 incentives include:

a. Addition of, or increase in limits to, incentives listed under level 1/2/3;

b. Walk ahead of dorm to chow and eat first at evening and all weekend meals;

c. Production of a 10-minute video for family/friends once a year; and

d. Two personal appliances (iron, hair dryer, curling iron, electric razor).

(e) Level 5 Incentives (Individual)

1. Performance and behavior identifiers evaluated over a 12 consecutive month period beginning after level 4 placement date include:

a. No D&A board guilty finding for rule violations in past 12-month period;

b. No more than 1 "Unsat" cell/personnel inspections in past 12-month period;

c. Above average or better work and training reports in past 12-month period;

d. Compliance with program plan, including educational, vocational, and counseling (post-trial prisoners);

e. Satisfactory progress and participation in available offense-related programs as applicable (e.g., Sex Offender Treatment Program, Violent Offender Treatment Program, substance abuse treatment, etc.) (post-trial prisoners); and

f. At least 1 documented incident of participation in a voluntary program (e.g., self-help group, religious program, etc.) or voluntary duty (e.g., clean-up detail, etc.) in every past 3-month period.

2. Examples of level 5 incentives include:

a. Addition of, or increase in limits to, incentives listed under level 1/2/3/4; and

b. Three personal appliances (iron, hair dryer, curling iron, electric razor).

(f) Group Incentives

1. Performance and behavior identifiers of an identified group on at least one criteria evaluated over a designated period of time include:

a. Superior quarters performance on inspections for the group;

b. Highest average individual inspection scores for the group;

c. Least number of incidents of negative behavior recorded for the group; and

d. Exemplary performance and or behavior of a group on tasks.

2. Examples of group incentives include:

a. Increase in limits to incentives listed under level 1;

b. TV/movies after normal duty hours;

c. First unit or group to chow; and

d. Exempt from designated quarters field day.

(2) Pre-Trial Confinement Facilities (PCFs)/Level I Brigs. The following provides specific incentive program guidelines applicable to PCFs and level I brigs, which have fewer programs and short-term prisoners than do level II/III brigs.

(a) Level 1 Incentives (Individual)

1. Performance and behavior identifiers evaluated over a 2 consecutive week period include:

a. Completion of orientation;

b. No D&A board guilty finding for rule violations in the past 2-week period;

c. Average or better work and training report(s) and routine personnel and or cell inspections; and

d. Active involvement in the development of a program plan (short and long term goals) (post-trial prisoners).

2. Examples of level 1 incentives include:

a. Additional weekly phone call(s) or time per call; and

b. Additional visitation time.

(b) Level 2 Incentives (Individual)

1. Performance and behavior identifiers evaluated over a 3 consecutive week period beginning after level 1 placement date include:

a. No D&A board guilty finding for rule violations in the past 3-week period;

b. Active participation in programs with average or better work and training report(s) and routine personnel and or cell inspections;

c. No more than 1 incident of negative behavior (spot evaluation) recorded in a 1-week period and no more than 2 in the past 3-week period; and

d. Active involvement and progress in program plan (post-trial prisoners).

2. Examples of level 2 incentives include:

a. Addition of, or increase in limits to, incentives listed under level 1;

b. Additional library use;

c. Additional recreation time;

d. Use of computers;

e. Exemption from specified inspections; and

f. Head-of-line privilege at meals within unit or group.

(c) Level 3 Incentives (Individual)

1. Performance and behavior identifiers evaluated over a 4 consecutive week period beginning after level 2 placement date include:

a. No D&A board guilty finding for rule violations in the past 4-week period;

b. Active participation in programs with above average or better work and training report(s) and routine personnel and or cell inspections;

c. No more than 1 incident of negative behavior (spot evaluation) recorded in a 1 week period and no more than 2 in the past 4-week period;

d. Active involvement and progress in program plan (post-trial prisoners); and

e. At least 2 documented reports of participation in a voluntary program (e.g., self-help group,

religious program, etc.) or voluntary duty (e.g., clean-up detail, etc.) in the past 4-week period.

2. Examples of level 3 incentives include:

a. Addition of, or increase in limits to, incentives listed under Level 1/2;

b. Authorized to purchase a walkman and cassettes/CDs; and

c. Authorized to wear a wristwatch.

(d) Group Incentives

1. Performance and behavior identifiers of an identified group evaluated over a designated period of time include:

a. Highest average group personnel/quarters inspection scores;

b. Least number of incidents of negative behavior recorded for a specified group; and

c. Exemplary performance and or behavior of a specified group on tasks set forth by the brig officer.

2. Examples of group incentives include:

a. Addition of, or increase in limits to, incentives listed under level 1/2;

b. TV/movies after normal duty hours;

c. First group to chow;

d. Exempt from designated unit field day;  
and

e. Late reveille.

b. Brigs shall develop a local policy to reflect minimum program requirements set forth in this manual; further, define

the processes involved in the brig's incentive program and identify specific incentives to be utilized.

c. Participation and progress in offense-related programs for post-trial prisoners is mandatory for all but the basic incentives. Lack of participation in available offense-related programs for post-trial prisoners shall prohibit an individual from advancing in incentive levels. An individual who is on a waitlist for an offense-related program and indicates a willingness to participate in the program can advance in incentive levels; however, they shall participate successfully in offense-related programs at the earliest opportunity or they shall be reduced to the incentive level for which criteria is actually met.

d. Incentive programs shall be non-punitive and easy to understand and administer. Incentives shall not include food, tobacco, or custody levels.

e. Incentive levels shall be documented in the prisoner's individual confinement record, Corrections Management Information System (CORMIS), and on the prisoner badge for easy staff verification of a prisoner's incentive level.

f. Other than initial start-up costs, local incentive plans are designed to be resource neutral.

g. All applicable incentive level criteria must be met for a prisoner to qualify for advanced incentive levels. One selected criterion must be met for an identified group to qualify for a group incentive.

h. Board action (D&A, classification and assignment (C&A) or unit team) shall accomplish incentive level review for eligibility, assignment, or revocation; command level (e.g., brig officer) approval is not required by this policy, although it may be locally implemented. Incentive level can be reviewed during any board action but cannot be changed by more than one board for the same action or incident. A board can refer incentive level review to another board for review; for example, a D&A board could decide not to review an individual's incentive level and instead refer the review to the C&A board. However, if the D&A board reviews the incentive level and determines the current

incentive level criteria is still met and appropriate, the C&A board cannot then meet to review and change the incentive level because of disagreement with the D&A board action.

i. Failure to meet the applicable criteria of the currently assigned incentive level shall result in automatic reversion to the incentive level for which criteria is met.

j. For prisoners received from another brig, the C&A board or unit team shall make an initial incentive level assignment based on information and documentation provided from the previous brig. There is no need for reversal to level I based only on a transfer action.

k. Requests for changes to incentive level criteria, additions to the incentives list, or waivers shall be pre-approved by NAVPERSCOM (PERS-00D) or CMC (PSL Corrections), as applicable.

## NAVAL CORRECTIONS MANUAL

### ARTICLE 1640-140

#### FORMS

<b>Responsible Office</b>	NAVPERSCOM	Phone:	DSN	882-4444
	(PERS-00D1)		COM	(901) 874-4444
			FAX	882-2626

1. In naval brigs, some forms have been replaced by reports generated by the Corrections Management Information System (CORMIS) and provide information electronically via the Defense Data Network.

2. Following forms are available via the following Web sites:  
<http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>

DD 504	Request and Receipt for Health and Comfort Supplies
DD 509	Inspection Record of Prisoner in Segregation
DD 510	Request for Interview
DD 512	Installation Parolee/Minimum Custody Agreement

3. The following forms are available at  
<http://web1.whs.osd.mil/ICDHOME/NICDHOME.HTM>:

DD 1569	Incident/Complaint Report
DD 2704	Victim/Witness Certification and Election Concerning Inmate Status
DD 2705	Victim/Witness Notification of Inmate Status
DD 2707	Confinement Order
DD 2708	Receipt for Inmate or Detained Person

DD 2709	Privacy Act Statement
DD 2710	Inmate Background Summary
DD 2710-1	Prisoner Sentence Computation
DD 2711	Initial Custody Classification
DD 2711-1	Custody Reclassification
DD 2711-2	Custody Initial/Reclassification Summary Addendum
DD 2712	Inmate Work and Training Evaluation
DD 2713	Inmate Observation Report
DD 2714	Inmate Disciplinary Report
DD 2715	Clemency/Parole Submission
DD 2715-1	Disposition Board Recommendation
DD 2715-2	Inmate Summary Data
DD 2715-3	Inmate Restoration/Return to Duty, Clemency and Parole Statement
DD 2716	Parole Acknowledgement Letter
DD 2716-1	Department of Defense Certificate of Parole
DD 2718	Inmate's Release Order
DD 2719 (Nov-99)	Continuation Sheet
DD 2791	Notice of Release/Acknowledge of Convicted Sex Offender Registration Requirements

4. The following forms are available from the Navy Supply System:

NAVMED 6550/8	Medication Administration Record S/N 0105-LF-216-5581
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Enclosure (1)

NAVPERS 1626/7 Report and Disposition of Offense(s)  
S/N 0106-LF-005-2700

NAVPERS 1640/8 Conduct Record  
S/N 0106-LF-016-4040

NAVPERS 1640/11 Monthly Report of Prisoners/Correctional  
Custody Personnel  
S/N 0106-LF-016-4055

NAVPERS 1640/13 Prisoner/Awardee Evaluation Report  
S/N 0106-LF-016-4065

NAVPERS 1640/15 Mail and Visiting List  
S/N 0106-LF-016-4078

NAVPERS 1640/16 Prisoner Identification Badge  
S/N 0106-LF-016-4080

NAVPERS 1640/17 Inventory and Receipt of Valuables,  
Clothing and Personal Effects  
S/N 0106-LF-016-4085

NAVPERS 1640/18 Prisoner Escort Identification Card  
S/N 0106-LF-079-3000

NAVPERS 1640/34 Receipt for Deposit and Withdrawal  
Available through CORMIS

NAVPERS 5000/64 Records Transmittal  
S/N 0106-LF-150-6403

5. The following forms are available from the General Services Administration:

SF 135 Records Transmittal and Receipt  
S/N 7540-00-634-4093

6. The following two forms may be ordered through the Marine Corps Logistics Base, Albany, Georgia:

NAVMC 604 Combined Individual Clothing Requisition  
and Issue Slip (Men's) (10120)  
S/N 0109-LF-986-6100

NAVMC 604b

Combined Individual Clothing Requisition  
and Issue Slip (Women's) (10120)  
S/N 0109-LF-986-7300

7. The following form may be ordered through the Federal Bureau of  
Investigations (FBI), United States Department of Justice,  
Washington DC 20537:

FD 249

Fingerprint Card  
U.S. G.P.O. 1987-179-226