



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, DC 20350-1000

SECNAVINST 1640.9C
PERS-68
03 Jan 2006

SECNAV INSTRUCTION 1640.9C

From: Secretary of the Navy

Subj: DEPARTMENT OF THE NAVY CORRECTIONS MANUAL

Ref: (a) Uniform Code of Military Justice (UCMJ)
(b) U.S. Navy Regulations, 1990
(c) NAVSO P-6064, Manual for Courts-Martial (MCM),
United States (2005 edition)
(d) 10 U.S.C., Chapter 48
(e) SECNAVINST 5815.3J
(f) Judge Advocate General Manual (JAGMAN)
(g) NSEC Hull Type Drawing 804 5959213 (NOTAL)
(h) OPNAVINST 1640.8
(i) MCO 1640.3F (NOTAL)
(j) NAVFAC P-80, Planning Criteria for Navy and Marine
Corps Shore Installations of 1 Oct 82 (NOTAL)
(k) Military Handbook 1037/4, Brigs and Detention
Facilities of 15 Jul 89 (NOTAL)
(l) NAVMED P-117, Manual of the Medical Department,
U.S. Navy (NOTAL)
(m) NAVSO P-1000, Financial Management Policy Manual
(n) SECNAVINST 5212.5D
(o) NAVPERS 15560D, Navy Military Personnel Manual
(MILPERSMAN)
(p) SECNAVINST 5800.11A
(q) Defense Joint Military Pay System Procedures Training
Guide (DJMS PTG) (NOTAL)
(r) Folio for Navy Standard Integrated Personnel System
(NSIPS) (NOTAL)
(s) DODI 1325.7 of 17 Jul 01
(t) DOD 1325.7-M of 27 Jul 04
(u) OPNAVINST 6110.1H

Encl: (1) Department of the Navy Corrections Manual

1. Purpose. To issue standardized policies and procedures for the operation of Navy and Marine Corps confinement facilities. This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 1640.9B and SECNAVINST 1640.7D.
3. Discussion. Provisions of enclosure (1) apply to Navy and Marine Corps confinement facilities (ashore and afloat) and detention facilities. References (a) through (u) are applicable. Supplemental instructions may be issued as necessary for operation of each confinement and detention facility.
4. Action. Each addressee is responsible for administration of Department of the Navy (DON) corrections program per this manual. Recommended changes should be forwarded via the chain of command to Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)).
5. Forms and Reports
 - a. Requisition and availability of forms is provided in appendix A.
 - b. Reporting requirement (BUPERS 1640-1) contained in article 8110 of this manual is required, unless Correctional Management Information System (CORMIS) is used.
 - c. All other reports are exempt from reports control by SECNAVINST 5214.2B.

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(Manpower & Reserve Affairs)

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SECNAVINST 1640.9C
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LOCATOR CROSS-REFERENCE SHEET

Subj: DEPARTMENT OF THE NAVY CORRECTIONS MANUAL

See:

(Recipient enter information as to where this instruction
is maintained.)

MAJOR REVISIONS

CHAPTER 1. AUTHORITY AND GENERAL POLICY

a. Article 1104. To the greatest extent possible, national accreditation standards issued by the American Correctional Association (ACA) shall be followed in determining corrections policies and administering confinement facilities and functions.

b. Article 1201.1b. While Department of Defense (DOD) forms depict the term "inmate," that term shall only be used in that context within this manual. The term "inmate" shall not be used in any other form within naval corrections.

c. Articles 1201.5b(3), 1201.5c(5), and 1201.5d(3). Cycle of Echelon 2/3 commands' on-site inspections changed from at least annual to periodic.

d. Article 1201.4. Revised to incorporate SECNAV Instruction 1640.7D.

CHAPTER 2. PHYSICAL PLANTS AND MAJOR EQUIPMENT

a. Article 2101.3a. Pretrial confinement facility now classified as a "confinement facility" vice "detention facility".

b. Article 2101.5a. Agreements concerning post-trial confinement of other service prisoners shall be coordinated through Navy Personnel Command (NAVPERSCOM) (PERS-68) or Commandant of the Marine Corps (CMC) Physical Security Division, Law Enforcement Branch, Corrections Section (PSL).

c. Article 2103.5. Future construction and renovation of shore facilities shall incorporate ACA Standards to the largest extent possible.

d. Article 2201.3b. Alterations to a ship's brigs require approval of the type commander, Echelon 2/3 command, and NAVPERSCOM (PERS-68).

e. Article 2205.3. Use of concertina/razor wire to lace fences is authorized where blade length is equal or less than 1 1/2 inches. Use of concertina/razor wire to lace fences where

blade length exceeds 1 1/2 inches is authorized only with prior approval of NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

f. Article 2205.10. Areas within immediate proximity and surrounding the facility shall be posted as restricted areas. Additionally, warnings shall be posted that photography and video/digital recording is prohibited.

g. Article 2206.4a(2). Privacy and acoustical separation shall be provided for legal and official visits, and command visits when requested.

h. Article 2209.1d(1). At a minimum, power generators shall be inspected weekly and load tested quarterly. Appropriate documentation shall be maintained by the facility. Such load testing shall be conducted only by authorized installation personnel.

i. Article 2302. Inspections required for inclusion into the brig log consolidated and recording requirements modified.

CHAPTER 3. STAFF

a. Article 3102.3. Supervisory positions extended to recognize executive officer (XO), officer in charge (OIC), and chief petty officer in charge (CPOIC).

b. Article 3201.2. Organizational structure modified to place billets of chaplain, medical/dental officer, and staff specialists at operational level vice command level.

c. Article 3201.2d. Billets of funds and valuables custodian/assistant and collection agent as authorized custodians clarified.

d. Article 3202.3f. Program evaluator replaces program developer/monitor with expanded duties and responsibilities.

e. Article 3202.5a. Security supervisor's duties and responsibilities merged with operations officer.

f. Article 3204. Combined duties and collateral tasks deleted in favor of BRIG O discretion.

g. Article 3401. Requirement for annual review of post orders by BRIG O established.

h. Article 3503. In-service training requirements for staff and support personnel updated.

CHAPTER 4. CONTROL, SECURITY, EMERGENCIES

a. Throughout. Use of DD Forms enclosed in reference (s) directed over the use of forms previously in use.

b. Article 4201.1 Objective based classification system as required per reference (s), or CORMIS electronic equivalent directed for use in all confinement facilities.

c. Article 4201.2c and 4201.2d. Working party escort to prisoner ratios defined to distinguish brig staff and unit escort requirements.

d. Article 4201.2e. Eligibility guidelines for installation custody prisoners changed to not more than 12 months vice 6 months from minimum release date.

e. Article 4202.4. Additional factor of length or potential length of sentence shall be considered in assessing higher custody classifications.

f. Article 4202.8. Use of Adult Inmate Management System (AIMS) in Marine Corps confinement facilities is at discretion of the commanding officer (CO).

g. Article 4307.4. Use of non-lethals may be authorized by the CO, or higher authority. Where authorized, CO shall publish policy governing training requirements and application.

h. Article 4309.5. The statement "Restraints will not normally be used in the transportation of prisoners on station..." deleted to be more consistent with article 4201.

i. Article 4403. Use of non-lethals added.

CHAPTER 5. DISCIPLINE

a. Article 5101.2c. Authority provided for CO/OIC to delegate, in writing, to the next subordinate officer (XO, assistant BRIG O, or equivalent) authority to impose all authorized administrative disciplinary measures except forfeiture of good conduct time (GCT)/Earned Time (ET), disciplinary segregation, and special diet.

b. Article 5102.3a. Deleted authorization for staff subordinate to CO/OIC to withhold privileges from an individual prisoner.

c. Article 5103. New. Confinement Facility Offenses with Associated Categories and Authorized Administrative Disciplinary and Management Actions.

d. Article 5104. New. Confinement Facility Offenses.

e. Article 5105.2. Suspension of any administrative disciplinary measures for a probationary period shall not exceed 6 months.

f. Article 5201.2. Pretrial prisoners in Navy confinement facilities (both officers and enlisted) shall not wear metal rank insignia while confined in the facility except for courts-martial appearances; they shall be authorized to wear their cloth grade insignia on their working uniform if their working uniform allows for such. Post-trial prisoners shall not wear rank insignia while confined in a naval confinement facility.

CHAPTER 6. CORRECTIONAL PROGRAMMING

a. Article 6103.1. Established minimum levels of programs per DODI 1325.7 of 17 Jul 01, reference (s).

b. Article 6314.1e. Policy regarding the type/content of movies and television programs provided.

CHAPTER 7. CONFINEMENT, RELEASE, TRANSFER

a. Article 7103.2b. Policy regarding co-mingling and movement of officer prisoners provided.

b. Article 7103.2g. Policy for administering discharged military prisoners provided.

c. Article 7302.1e. For hospitalized Medium Custody In (MDI) detainees, the confinement facility commander shall provide or coordinate parent command escort responsibilities. Confinement facility commander shall provide escorts for all maximum custody prisoners (pretrial/post-trial) per NAVMEDCOMINST 6320.11.

d. Article 7304.3h. Confinement facilities shall ensure appropriate Victim/Witness Assistance Program (VWAP) notifications are accomplished, per article 8307 of this manual and reference (p) upon release.

e. Article 7304.3i. DD 2791-1, The 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 upon release.

CHAPTER 8. ADMINISTRATIVE MATTERS

a. Article 8103.2. A VWAP file shall be maintained separately by the appointed VWAP Coordinator on all applicable prisoners, per DOD 1030.1 and reference (p).

b. Article 8103.3. A sexual offender registry file shall be maintained separately by the appointed staff member on all prisoners convicted of covered offenses, as per reference (s).

c. Article 8104. Where confinement facilities and Correctional Custody Units (CCUs) are co-located, consolidated brig logs are authorized.

d. Article 8104.2. Removed the requirement for a prisoner to sign the medical log acknowledging receipt of medication; medication issued shall be properly documented on NAVMED 6550/8, Medication Administration Record.

e. Article 8104.3. At a minimum, verification of identity presented shall include visitor's name, photograph, and date of birth.

f. Article 8106. Prisoner identification badge requirements revised to depict abbreviated SSN, branch of service, and discharge status. Electronic badges authorized.

g. Article 8111. VWAP files shall not be forwarded to the Federal Records Center (FRC). VWAP files shall be separately maintained by the confinement facility and destroyed 2 years from date of release.

h. Article 8209.2. Minimum gratuitous issue for health and comfort items increased from \$10 to \$20; maximum gratuitous issue identified as \$40, per DOD 7000.14-R of Feb 96, article 120213 of DOD Financial Management Regulation, volume 10, chapter 12.

i. Article 8301. Correspondence policy and procedures revised in its entirety.

(1) List of privileged correspondents expanded.

(2) Procedures established for monitoring incoming and outgoing correspondence.

(3) Causes for rejection clarified and expanded.

(4) Prisoner permitted an opportunity to review rejected material for purposes of filing an appeal.

(5) Appeal process established for rejected material.

(6) Authority for CO/OIC/CPOIC to restrict prisoner correspondence established.

(7) A prisoner may be permitted to correspond with a prisoner confined in any other penal or correctional facility, subject to limitations.

j. Article 8301.11. Newspapers, periodicals, and other mailed matter.

(1) Definitions provided.

(2) Establishment of a literary review board to review publications to determine if an incoming publication is

detrimental to the security, discipline, or good order of the confinement facility, or if the publication might facilitate criminal activity.

(3) Causes for rejection identified.

(4) Appeal process established for rejected material.

k. Article 8301.13b. The CO/OIC/CPOIC may deny visitation for cause (e.g., civilian or military protective orders, legitimate rehabilitative interests, and the good order, discipline, and security of the facility).

l. Article 8308. Sexual Offender Registration Program requirements identified.

m. Article 8304. The requirement for confinement facilities to submit fingerprints to the Federal Bureau of Investigations (FBI) is deleted. Confinement facilities shall, however, continue to collect and maintain fingerprints on all pretrial and post-trial prisoners upon arrival for inclusion into the prisoners' records via use of the FBI Fingerprint Card (FD-249).

CHAPTER 9. SENTENCE COMPUTATION

a. Article 9101.1 (Policy). Sentences to confinement adjudged on or after 27 July 2004 shall be computed per the procedures provided in reference (t). This may be done through automated means, but when manually computing a sentence, the expiration tables within reference (t) and DD 2710-1, Prisoner Sentence Computation, shall be used.

b. Article 9102 (Definitions). Definitions updated throughout to coincide with DOD policy.

c. Article 9201. Per DOD policy, GCT, ET, and special acts abatement (SAA) are revised and implemented within naval confinement facilities.

CHAPTER 10. MISCELLANEOUS SERVICES

a. Article 10104. Procedures for management of prisoners with Human Immunodeficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) are expanded.

b. Article 10201.2. Procedures for management of prisoners on hunger/drinking strikes are expanded.

c. Article 10203. Training and qualification requirements for military barbers (staff and prisoners) clarified.

CHAPTER 11. SHIPS' BRIGS. Article 11103.3. Conflicting assignments shall be avoided. Security force personnel may be assigned confinement facility duty provided no other law enforcement-related duties are also assigned.

CHAPTER 12. DETENTION FACILITIES. Article 12502.2b. Where exigent circumstances require detention of individuals prior to medical evaluation, the examination shall be accomplished in a period not to exceed 4 hours.

CHAPTER 13. CORRECTIONAL CUSTODY. Added as a new chapter. This chapter replaces SECNAVINST 1640.7D and revision of OPNAVINST 1640.7A is being written with specific guidance.

APPENDIX. Add NAVMED 6550/8, Medical Administration Form, S/N 0105-LF-216-5581.

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03 Jan 2006

DEPARTMENT OF THE NAVY

CORRECTIONS MANUAL

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CHAPTER 1
AUTHORITY AND GENERAL POLICY

SECTION 1. AUTHORITY

1101. UNITED STATES CODE (U.S.C.). Basic authority to establish and operate correctional facilities, reference (d), states

1. The Secretaries concerned may provide for the establishment of such military correctional facilities as are necessary for the confinement of offenders against chapter 47 of this title.

2. The Secretary concerned shall:

a. Designate an officer for each armed force under his jurisdiction to administer military correctional facilities established under this chapter.

b. Provide for the education, training, rehabilitation, and welfare of offenders confined in a military correctional facility of his department.

c. Provide for the organization and equipping of offenders selected for training with a view to their honorable restoration to duty or possible reenlistment.

3. There shall be an officer in command of each major military correctional facility. Under regulations to be prescribed by the Secretary concerned, the officer in command shall have custody and control of offenders confined within the facility which he commands, and shall usefully employ those offenders as he considers best for their health and reformation, with a view to their restoration to duty, enlistment for future service, or return to civilian life as useful citizens.

4. There may be made or repaired at each military correctional facility such supplies for the armed forces or other agencies of the United States as can properly and economically be made or repaired at such facilities.

1102. DEPARTMENT OF DEFENSE DIRECTIVE (DODD) 1325.4. Paragraph 5.3 of DODD 1325.4 of 17 August 2001 implements provisions of reference (d) and provides policy and responsibilities to

Secretaries of the Military Departments for administration and operation of military corrections programs and facilities under their cognizance.

1103. UNITED STATES NAVY REGULATIONS. Article 1105 of reference (b) sets the following parameters:

1. Prisoners shall be confined only in confinement facilities or other facilities designated as naval places of confinement by the Secretary of the Navy (SECNAV). However, in cases of necessity, the senior officer present may authorize temporary confinement in spaces which provide sufficient security features, safety for both the prisoner and guard personnel, and adequate living conditions.

2. Intoxicated persons or persons under the influence of marijuana, narcotics or other controlled substances shall not be confined in any place or manner that may be dangerous to them in their condition.

1104. ACCREDITATION. To the greatest extent possible, national accreditation standards issued by American Correctional Association (ACA) shall be followed in determining corrections policies and administering confinement facilities and functions for shore confinement facilities.

SECTION 2. GENERAL POLICY

1201. SECNAV POLICY

1. General

a. Discipline is to be administered on a corrective rather than a punitive basis, and naval confinement facilities are to be administered on a uniform basis. It is desirable for persons under sentence of courts-martial or other military tribunals to be accorded uniform treatment in furtherance of equality within the Department of the Navy (DON) and in justice to the individuals concerned.

b. While DOD forms depict the term "inmate," that term shall only be used in that context within this manual. The term

"inmate" shall not be used in any other form within naval corrections.

c. The term "prisoner," as used hereafter in this manual, refers to any detained or confined person in naval confinement, unless otherwise specifically noted.

2. Corrections Manual. This manual is the primary policy statement of SECNAV applicable to confinement and correction of naval offenders. Treatment of persons in naval confinement shall be uniform and per the provisions of reference (a). Major purpose of all awarded confinement is correction of members confined. Confined naval personnel retain all of rights and responsibilities of other service personnel in a duty status except those which are expressly, or by implication, taken away under provisions of reference (a) and such regulations as may be issued by competent authority. Local instructions, directives, and standard operating procedures (SOPs) may supplement, but not supplant, policies and procedures set forth in this manual.

3. Parole of Sentenced Prisoners. SECNAV is authorized by section 952 of reference (d) to provide a system of parole for offenders who are confined in military confinement facilities and who were at the time of commission of their offenses subject to their authority. Policy and procedures for naval clemency and parole systems are provided in reference (e).

4. Correctional Custody. This manual is also the primary policy statement of SECNAV applicable to the administration of correctional custody. Policy and procedures for administering correctional custody within the naval service are set forth in chapter 13 of this manual. Local instructions, directives, and standard operating procedures (SOPs) may supplement, but not supplant, policies and procedures set forth in this manual.

5. Delegation of Authority. Navy Personnel Command (NAVPERSCOM) (PERS-68) and Commandant of the Marine Corps (CMC) (PSL Corrections) are designated to administer confinement facilities and correctional custody units per this manual, Navy Regulations, DOD Directives and Instructions, and 10 U.S.C.

a. NAVPERSCOM (PERS-68) shall exercise primary and final responsibility for developing and issuing corrections and correctional custody policy and procedures within the naval

service in all matters not endemic to the United States Marine Corps, and is responsible for the operation of Naval Consolidated Brigs.

b. NAVPERSCOM (PERS-68) is responsible for inspection of Echelon 2/3 commands' corrections and correctional custody programs and facilities in order to evaluate performance, and to provide guidance on all corrections and correctional custody matters. Responsibilities shall include, but not be limited to the following:

- (1) Maintaining cognizance over this manual.
- (2) Maintaining cognizance over related or supplemental instructions and coordinating content of instructions issued by other naval activities which impact upon confinement.
- (3) Preparing standardized inspection formats for Echelon 2/3 command inspections. Conducting periodic inspections (approximately 18 months) of confinement facilities to ensure this manual is implemented and actions are taken to correct deficiencies.
- (4) Conducting on-site visits and providing technical assistance to all Navy commands operating naval confinement facilities and correctional custody units.
- (5) Providing Echelon 2/3 commands assistance and training in connection with operation of confinement facilities and appropriate direction as needed.
- (6) Evaluating functional adequacy of Navy confinement facilities and correctional custody units (CCUs); reviewing planned alterations and new construction projects; and making appropriate recommendations for action by SECNAV to designate authorized places of naval confinement.
- (7) Developing and managing a system governing transfer of Navy prisoners between military confinement facilities. Acting as the final authority for designating the place of confinement within Navy correctional facilities for all prisoners. Developing inter-service support agreements with other services for confinement of Navy prisoners. Developing

procedures to effect transfer of Navy prisoners to civilian confinement facilities and approving all such transfers.

(8) Establishing and maintaining a system to evaluate and provide statistical confinement and correctional custody data and an evaluation of corrections and correctional custody program(s) and management, and disseminating the information developed.

(9) Developing, evaluating, and monitoring correctional and correctional custody training programs for corrections personnel and prisoners.

(10) Providing technical assistance when requested in all areas of confinement and correctional custody to CMC (PSL Corrections).

(11) Acting as primary agent for SECNAV in all confinement matters relative to DOD and inter-agency activities.

(12) Representing Navy on DOD Corrections Council.

c. CMC (PSL Corrections) shall support NAVPERSCOM (PERS-68) in developing and issuing corrections and correctional custody policy and procedures, and control operations of all Marine Corps confinement facilities and CCUs. This responsibility shall include but is not limited to the following:

(1) Developing and staffing appropriate changes to this manual and related Marine Corps directives.

(2) Developing and coordinating a system governing transfer and transport of Marine Corps prisoners among DOD and Federal confinement facilities.

(3) Establishing, maintaining, and providing Marine Corps statistical corrections and correctional custody data, and shall provide for an evaluation of corrections and correctional custody program(s) and management and disseminating the information developed.

(4) Serving as Marine Corps' point of contact for all corrections matters. Maintain liaison with Federal and State

corrections agencies, as well as other military services in regard to Marine Corps prisoners.

(5) Conducting triennial, or as deemed necessary, on-site inspections of Marine Corps confinement facilities and CCUs. Assign rated capacities and functional adequacy classifications.

(6) Representing Marine Corps on DOD Corrections Council.

(7) Serving as occupational field sponsor for corrections field.

d. Navy Echelon 2/3 commands with operational control over confinement facilities and commanding generals of Marine Corps installations, through the chain of command, are directly responsible for operations of confinement facilities within their claimancy/installation. Involvement of the chain of command in the operation of confinement facilities is essential. This responsibility shall include the following:

(1) Maintaining cognizance of confinement facilities under their command and ensuring their compliance with this manual and all other applicable directives.

(2) Maintaining cognizance over locally published supplemental instructions concerning corrections policy and procedures.

(3) Ensuring periodic on-site inspections of confinement facilities and CCUs per inspection formats provided by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Persons conducting inspections must be qualified corrections specialists. A copy of all such inspection reports shall be forwarded to NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

(4) Ensuring confinement facilities and CCUs conform to functional adequacy standards as issued by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). When not possible to meet functional adequacy standards due to facility configuration/construction, or due to funding constraints, submit a waiver request or a military construction project for renovation or replacement of the facility.

(5) Planning and designing for construction/alteration of confinement facilities and CCUs shall be submitted to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) for approval.

(6) Ensuring staffing for confinement facilities within their claimancies is per manpower requirements of each service.

1202. CORRECTIONAL PHILOSOPHY

1. Philosophy of naval corrections is based on recognition of the fact that, whether it be confinement or in some other form, punishment alone is seldom corrective. Confinement is punishment because it denies members their liberty and separates them from their families, friends, and most normal activities. It means loss of status and disapproval of the individual offender by the military society. Confinement sharply limits the prisoners' privileges, freedom of action, and opportunities for personal satisfaction. More significantly, it also lowers their self-respect.

2. Members are sentenced to confinement as punishment; they are not confined for punishment by any member of the staff of a confinement facility except as provided for by law and regulation. Hazing, harassment, unauthorized exercises, unnecessary restrictions or deprivations, and demeaning treatment serve no useful purpose and are prohibited. The friction they cause creates tension between staff and prisoners and leads to acts of aggression, retaliation, and serious individual or mass disturbances. Prisoners forced to comply with unreasonable, unnecessary, and unmilitary routines lose respect for the authority which imposes them.

3. Length of time a person spends in confinement does not automatically bring a change in the individual's life; however, the staff members' intelligent and professional performance of their correctional duties can provide the environment in which prisoners can more readily see and incorporate responsibility into their own lives.

4. This manual sets forth procedures which ensure fair, impartial, and humane treatment of prisoners in compliance with law, regulation, and naval policy. It provides for a correctional program which includes counseling and a systematic evaluation of prisoners which is a prerequisite for intelligent

decisions on custody, work, training, clemency, and disposition. The program includes work, military and physical training (PT), an opportunity for self improvement, recreation, and religious participation. The goal is to restore the maximum number of prisoners to duty at the earliest time, better prepared to perform useful, offense-free service, and thus salvage the individual member and, in part, the money and effort spent in recruitment, training, and discipline. Absent restoration, prisoners shall be prepared to return to productive, offense-free civilian life as part of naval service's obligation to the greater community-at-large.

SECTION 3. APPLICABILITY AND EXCEPTIONS

1301. APPLICABILITY

1. This manual is the basic directive of SECNAV governing naval corrections and takes precedence in all matters thereto.
2. NAVPERSCOM (PERS-68) and CMC (PSL Corrections) shall issue instructions and procedures to ensure uniform application of this manual within their service.
3. COs may issue local instructions to implement these procedures. Copies of local instructions shall be provided to Echelon 2/3 commands and NAVPERSCOM (PERS-68) or CMC (PSL Corrections).
4. Departmental bureaus and offices exercising primary command or support over a field activity having an approved confinement facility shall include the task of operating that facility in the tasks and mission of the appropriate echelon within the command structure to which the facility belongs. Staff personnel provided by other military services shall be under operational control of the organization tasked with command of the confinement facility, unless otherwise stipulated by inter-service support agreements.

1302. EXCEPTIONS

1. Exceptions to the provisions of this manual shall be forwarded, via the chain of command, to NAVPERSCOM (PERS-68) 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).

2. 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-68) or CMC (PSL Corrections) shall provide or approve any operational guidance required to reduce possibilities of injury or loss of life.

3. Requests for extensions of waivers involving fire, life, or safety issues shall be forwarded to Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) with endorsement of each echelon, and shall provide justification for the extension, to include circumstances preventing resolution of the discrepancy during the waiver period. If waivers are not approved, spaces affected shall be closed and not operated until discrepancies are eliminated. Echelon 2/3 commands shall determine when the discrepancy has been resolved and shall notify all concerned.

4. Older facilities are not expected to immediately be in compliance with new requirements, except for fire, life, and safety issues. Needed waivers for physical plant features not easily renovated shall be continuously monitored by Echelon 2/3 commands, and reviewed during on-site inspections. Inspection reports shall comment on waiver status.

CHAPTER 2
PHYSICAL PLANTS AND MAJOR EQUIPMENT

SECTION 1. CLASSIFICATIONS - PHYSICAL PLANTS

2101. FUNCTIONAL TYPES CLASSIFICATION

1. Shore Confinement Facility. A shore confinement facility is a place of confinement established as an activity or at a local command of the shore establishment, and designated by the Secretary of the Navy (SECNAV) as a naval place of confinement. Shore brigs are further classified as follows:

a. Pretrial Confinement Facility. Pretrial Confinement Facilities may be established in areas where: a confinement facility is not readily accessible; there is a need for pretrial and very short-term post-trial confinement; average number of detainees/prisoners does not justify more than 20 confinement spaces; and the full range of correctional programs provided by confinement facilities is not required. Navy Personnel Command (NAVPERSCOM) (PERS-68) or Commandant of the Marine Corps (CMC) (PSL Corrections) shall establish programs and staffing guidance separately. These facilities, when designated by SECNAV as a naval place of confinement, may be used for extended pretrial confinement and, as a matter of necessity in some cases, post-trial confinement up to 30 days.

b. Waterfront Brig/Level I Confinement Facility. Waterfront Brigs/Level I Confinement Facilities are located on operating Navy or Marine Corps installations to service local needs and normally contain a correctional custody unit (CCU) and a short-term confinement facility that houses pretrial detainees, prisoners who will return to duty, or prisoners who are being discharged after serving short sentences, usually less than a year. Programs emphasize military discipline, training, work, and skills needed to succeed in the military environment.

c. Consolidated Brig/Level II Confinement Facility. Consolidated Brigs/Level II Confinement Facilities provide confinement and rehabilitation opportunities for prisoners who will be discharged or transferred to the United States Disciplinary Barracks (USDB) or to Federal prisons if their offenses and sentences, after the appellate process, allow such

a transfer. Department of Defense (DOD) guidance, reference (s), directs the maximum sentence length for a Level II Facility. Consolidated Brigs/Level II Confinement Facilities may provide local pretrial confinement, if economically warranted. Where economies and efficiencies are present, and through coordination with the DOD Corrections Council, NAVPERSCOM (PERS-68) or CMC (PSL Corrections) may designate facility classifications as appropriate.

2. Ship's Brig. Prior to being operated as an authorized naval place of confinement, a ship's brig, included in the original construction or added during an authorized conversion, shall be inspected as required by article 2201.3 of this instruction and certified if it meets criteria therein, by the Echelon 2/3 command. Structural standards for ships' brigs are set by reference (g). A ship's brig is authorized for confinement of personnel attached to, or embarked in, a ship, and may be used for periods of confinement of up to 30 days. See article 7104.3. Persons with a sentence by court-martial of 31 days or more confinement or who are awarded a punitive discharge and confinement time as part of a court-martial sentence shall be delivered to a shore confinement facility for confinement. Pretrial confinement onboard a vessel at sea may continue only until the individual can be transferred to a confinement facility ashore. Such transfer shall be accomplished at the earliest opportunity permitted by the operational requirements and mission of the vessel. Ships' brigs shall be operated with applicable provisions of chapter 11 of this manual. Reference (h) provides specific requirements for afloat (ships') brigs.

3. Detention Facility. Personnel may be detained in a detention space or a holding cell. NAVPERSCOM (PERS-68) or CMC (PSL Corrections) shall be notified in writing, via the chain of command, when a detention space or a holding cell has been established or disestablished.

a. Detention Space. A detention space, while not a designated place of confinement, is any cell, room, or other berthing space of the shore establishment, used for short-term detention defined to mean not more than 8 hours.

b. Holding Cells. Holding cells, while normally not designated places of confinement, are used for short-term detention, defined to mean no more than 24 hours during the work

week and not more than 72 hours over a weekend; and not more than an additional 24 hours over an official holiday weekend. This limitation may be extended on a case-by-case basis for up to 30 days by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

c. Status of Forces Agreement (SOFA). Personnel being held for foreign court jurisdiction at remote overseas activities may also be confined in approved detention facilities for periods specified by the SOFA.

d. Exceptions. Exceptions to these limitations must be approved in advance by NAVPERSCOM (PERS-68) or CMC (PSL Corrections) per article 1302. While provisions of this manual are generally applicable, specific instructions for detention facility operations shall be issued by NAVPERSCOM (PERS-68) and CMC (PSL Corrections). See chapter 12 of this manual.

4. Correctional Custody. Spaces used for non-judicial punishment (NJP) of correctional custody shall be governed by the provisions of this manual. Any command desiring to establish or disestablish a CCU shall comply with appropriate Navy and Marine Corps directives.

5. Confinement Facilities of Other Military Services

a. Where economy and more efficient military administration shall result and where determined to be feasible and practicable, Secretary of Defense (SECDEF) has authorized and directed the joint use of military confinement facilities of the military services. Agreements concerning post-trial confinement of other service prisoners shall be coordinated through NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Such agreements shall provide for appropriate personnel and health and comfort support from the other service to the installation operating the facility. DODI 4000.19 of 9 August 1995 provides policy and procedures for inter-service, inter-departmental, and inter-agency support agreements.

b. Following provisions shall govern confinement of prisoners confined under these agreements:

(1) Prisoners are subject to rules and regulations governing the facility in which they are confined, and are

treated as other prisoners confined there in a similar status, except as otherwise provided.

(2) Mitigation, remission, or suspension of sentence, and transfer of any prisoners confined shall be the responsibility of the appropriate command of the prisoner's branch of service.

(3) Direct communication is authorized between or among appropriate commanders in effecting inter-service confinement.

(4) Shall any prisoner be unsuitable for confinement in the facility designated, the CO of the confinement facility shall notify the appropriate commander of the prisoner's branch of service who shall, as soon as practicable, resume custody of the prisoner.

6. Civilian Confinement Facilities. Local detention and correctional facilities operated by civilian agencies shall not be used to confine naval service court-martial prisoners unless per article 7104.4 of this manual. All expenses shall be paid by the command of the member confined and shall be paid at the rate approved by the U.S. Marshal's Service. For Marine Corps prisoners all expenses shall be forwarded to CMC (PSL Corrections) for payment, per reference (i).

7. Foreign Confinement Facilities

a. Where no United States military confinement or detention facility is available, foreign confinement facilities may be used for pretrial confinement of naval personnel who are charged with serious offenses under reference (a). Such confinement must preclude immediate association of U.S. servicemembers with foreign nationals. A serious offense includes all offenses under reference (a) for which a year or more of confinement is authorized.

b. Prior to using such a facility, the senior officer present must approve it based upon adequacy of its security features, its ability to ensure safety of prisoners, and adequacy of its living conditions.

c. Each such case of pretrial confinement shall be reported by message to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) as appropriate, furnishing the following information:

- (1) Rate or grade.
- (2) Offense alleged.
- (3) Date confined.
- (4) Place confined.
- (5) Command ordering confinement.
- (6) Senior officer approving use of facility.

d. Follow this message with a phone call reporting individual's name, social security number, and any other pertinent information.

e. All expenses shall be paid by the command of the member confined.

f. If post-trial confinement is ordered, prisoners shall be transferred from foreign confinement facilities to appropriate U.S. military confinement facility as expeditiously as possible.

8. Hereafter, the term "confinement facility" refers to shore confinement facilities (i.e., Pretrial Confinement Facility (PCF), Level I, II and III), unless specifically noted. The term "detention facility" refers to detention spaces and holding cells, unless specifically noted.

2102. SPACE CONFIGURATION CLASSIFICATION

1. Cells/Secure Rooms. These are separate spaces for confining one person. Two or more persons shall not be confined in a cell/secure room designed for single occupancy, except in an emergency. Spaces designated for multiple occupancy must have prior approval of NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Padded cells, dark cells, and cells which do not permit visual observation are prohibited.

2. Dormitories. This type of berthing space may be either of open bay or cubicle type. Dormitories normally house groups of up to 40 prisoners.

3. Disciplinary Segregation Unit. Disciplinary segregation unit consists of single occupancy cell(s), isolated from the remainder of prisoner living quarters, used for segregating those prisoners awarded disciplinary segregation under provisions of article 5105.3e. Single occupancy of disciplinary segregation cells is mandatory.

4. Special Quarters. Special Quarters is a group of cells/secure rooms used to house those prisoners who have serious adjustment problems, create anxiety or disruption among other prisoners in the general population, or who need protection from other prisoners. Special quarters is a preventive management tool which shall not be used as punishment, except as allowed under article 5105.3. Programs, movements, and privileges shall be limited only to the minimum degree necessary for maintenance of good order. See article 4205 for further amplification. Habitability and space requirements are identical with other cells.

5. Installation Custody Quarters. Installation custody quarters require minimal security equipment and may be a normal berthing space located inside or outside the security perimeter of the confinement facility. In Navy waterfront brigs, CCUs may be used to berth personnel awarded installation custody status.

2103. FUNCTIONAL ADEQUACY CLASSIFICATION - NEW AND EXISTING FACILITIES

1. Reference (d) provides authority for SECNAV to designate authorized naval places of confinement. To accomplish this requirement, to provide a correctional classification of each facility's functional adequacy, and to require correction of serious inadequacies, classifications shall be assigned to each operating facility by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Dates for correction of discrepancies shall be established by inspectors in conformance with service guidelines.

2. 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 berthing 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 conserves staff required to supervise the operation.
- d. Adequacy of program and administrative support spaces.

3. Classification assigned to each facility is approximately equivalent to the general construction standards of Naval Facilities Engineering Command Base Representative (NAVFACENGCOM BASEREP) ratings, but takes into account other prisoner specific security requirements in determining the following classification:

- a. C1/ALPHA - Facility has fully met all demands placed upon it in a mission category through the reporting period. Operation of the confinement facility is not hindered by any inadequacies which may exist.
- b. C2/BRAVO - Facility 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 practicable.
- c. C3/CHARLIE - Facility 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.
- d. C4/DELTA - Facility 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 it must be replaced or undergo major renovations, as soon as possible. Echelon 2/3

commands must pay particular attention to the continued existence of facilities classified in this category.

4. Functional adequacy classifications for confinement facilities shall be issued at least triennially by NAVPERSCOM (PERS-68) or CMC (PSL Corrections) following on-site inspections by corrections specialists.

5. Future construction and renovation to designated naval places of confinement shall meet physical construction requirements of this manual, references (j) and (k), and all other pertinent regulations for such facilities. To the largest extent possible, American Correctional Association (ACA) Standards shall also be considered. Future construction and renovation of ships' brigs shall meet standards prescribed by reference (g). Any request for an exception to these regulations shall be addressed to NAVPERSCOM (PERS-68) or CMC (PSL Corrections), as appropriate.

2104. RATED CAPACITY

1. Rated capacity of a confinement facility shall be determined by on-site application of berthing spaces criteria imposed by local considerations, special needs, manning, and references (j), (k), and (l). Rated capacities for confinement facilities, by gender where applicable, shall be determined by NAVPERSCOM (PERS-68) or CMC (PSL Corrections) following on-site inspections by corrections specialists. These shall be reviewed and, if needed, adjusted at least every 3 years by on-site reviews conducted by corrections specialists from NAVPERSCOM (PERS-68) or CMC (PSL Corrections), as appropriate. Rated capacities may be temporarily adjusted to meet current needs by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

2. Confinement facilities are not designed, equipped, or staffed to handle significant overloads without creating problems that have potentially serious consequences. Type Commander (TYCOM), Echelon 2/3 command, and NAVPERSCOM (PERS-68) or CMC (PSL Corrections) shall be notified whenever facility'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. Due to increased use of confinement facilities by all

DOD services, the facility shall not exceed its rated capacity by more than 10 percent without prior notice to NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Telephone requests shall be followed by official message, letter, or E-Mail, and identify numbers of other service personnel confined.

SECTION 2. CONSTRUCTION AND ALTERATION CRITERIA - NEW AND EXISTING FACILITIES

2201. DESIGNATION AND AUTHORITY TO USE

1. Requests for Designations. Requests for designation of an ashore facility as an authorized naval place of confinement shall be submitted via the chain of command to SECNAV. Such requests shall include full justification, copies of floor plans, site plans, and a description of the space utilization and security and safety equipment to be used. Approval shall be based on demonstrated need and ability to meet criteria for functional adequacy defined in article 2103 and Commander, Naval Facilities Engineering Command (COMNAVFACENGCOM) publications. Designation of ships' brigs is inherent in original construction or authorized conversion of ships (article 2101.2).

2. Requests for Closure. A request for permanent closure of an ashore or afloat facility shall be submitted via the chain of command to NAVPERSCOM (PERS-68) or CMC (PSL Corrections), as appropriate. All requests shall include full justification for closure, tentative date for ceasing operation, and contain endorsements from all echelons of the chain of command. If closing the facility is approved, the CO operating the facility shall transmit the actual closing date by message to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) as appropriate. Decommissioning of a ship shall not prompt a request for permanent closure of a ship's brig to NAVPERSCOM (PERS-68) and effective date of closure will be the date of decommissioning.

3. Construction and Alteration Approval

a. Guidance for development of facility requirements and submission procedures for construction projects are contained in NAVFACINST 11010.45. Advance approval of proposed construction/alteration projects shall be obtained from NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

b. New construction or overhaul/alteration of ships' brig spaces shall be per General Specifications for Ships of the United States Navy. Alterations to a ship's brigs require approval of the TYCOM, Echelon 2/3 command, and NAVPERSCOM (PERS-68).

2202. PLANNING FACTORS

1. Responsibility for Planning. All planning and design for construction/alteration of shore confinement facilities require the initial and continuing close involvement and final approval of COMNAVFACENGCOM and NAVPERSCOM (PERS-68) or CMC (PSL Corrections), as applicable. A confinement facility is an integral part of the command which operates it. Determination as to whether a given command needs, or does not need, a confinement facility must rest with that command and the Echelon 2/3 command. Plans to establish, construct, or alter existing confinement facilities must be initiated at local command level through normal military construction chain of command and sent via NAVPERSCOM (PERS-68) or CMC (PSL Corrections), for review and approval. Each command operating a confinement facility shall initiate appropriate action to correct inadequacies.

2. General Planning Information. Reference (j) provides general planning information for confinement facilities. The procedures contained in NAVFACINST 11010.45 shall be followed.

3. Specific Planning Information. When developing plans for new construction or major renovation, utilize references (j) and (k) for shore brigs and reference (g) for afloat brigs. Following factors shall be included in the planning process:

a. Capacity. Required prisoner capacity of all shore facilities is calculated at .003 of the total military populations in the area to be served. This figure may be adjusted by NAVPERSCOM (PERS-68) or CMC (PSL Corrections) to compensate for surge factors and other local variations.

b. Site and Size

(1) A shore facility shall be sited where it shall be free from adjacent safety hazards because the facility has an extended evacuation time. Among other factors to be considered

are distance from ammunition or fuel storage facilities, base or station armories, and close proximity to aircraft runways.

(2) Size of the site and its location in relation to other activity facilities shall be agreed upon by the using activity, COMNAVFACENGCOM, and NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Site shall be determined to be habitable and in conformity with sanitation requirements by COMNAVFACENGCOM.

c. Design

(1) Degree of security required shall reflect type of prisoners the command routinely confines. Although some facilities need maximum security spaces, not every confinement facility needs to be constructed with maximum security features. Current advancements in prison design and equipment shall be considered in order to reduce construction costs.

(2) Shore facilities shall be designed so future expansion may be accommodated without impairing the efficient and secure working plan of the building.

d. Alteration. In addition to the criteria already set forth, any alteration, modernization, or renovation of an existing shore facility shall meet the following additional requirements:

(1) Proposed change conforms to criteria set forth in this manual and pertinent COMNAVFACENGCOM regulations.

(2) Unaltered portions of the facility would not be adversely affected in areas of security, safety, comfort, or operational efficiency by the changes.

(3) Costs incurred would not exceed projected costs for a new facility of comparable size.

e. Female Population. Providing for female prisoner population shall be considered when evaluating facility requirements.

2203. TECHNICAL ASSISTANCE. Due to infrequency of local opportunities to design a confinement facility, and in order to make use of current advancements in prison construction,

corrections specialists from NAVPERSCOM (PERS-68) or CMC (PSL Corrections) shall be involved at all stages of planning, design, and construction process. In addition to reducing the amount of research necessary, using these specialists shall ensure acceptability of the project proposal when reviewed for functional adequacy.

2204. BERTHING AREA

1. Cells/Secure Rooms

a. Space Requirements

(1) Disciplinary segregation cells shall not be counted against total capacity and shall not normally exceed 5 percent of the confinement facility's capacity. Cell size shall measure at least 6 feet wide, by 8 feet long, by 8 feet high. For new construction or renovation comply with paragraph 2103.5 of this manual. Cells/secure rooms shall be constructed for single occupancy. Construction or use of cells/secure rooms for multiple occupancy requires approval of NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

(2) In small confinement facilities or facilities where a separate control point exists for housing units, cells/secure rooms shall be located as close as possible to the control center.

b. Construction Requirements

(1) Walls, ceilings, and floors shall be constructed of hardened materials sufficiently secure to prevent escape of prisoners.

(2) Entrances shall be of security material, design, and construction, including view ports and security locks.

(3) Follow construction criteria for cells per reference (k).

c. Equipment Requirements

(1) Furniture. All cells/secure rooms in shore confinement facilities will normally be equipped with a chair,

locker, a 30" X 78" (minimum dimensions) security type bunk (permanently mounted in segregation cells), mattress, pillow, sheets, blankets, and pillow case for each prisoner. Furniture may be removed from cells only if the prisoner's conduct warrants it and then only upon specific order of the CO or designee.

(2) Gang Release

(a) Five Cells/Secure Rooms or Fewer. Gang release systems are not required for five or fewer cells/secure rooms that are contiguous. 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 shall be a different key from that which operates the exterior entry to the cell/secure room areas.

(b) Six Cells/Secure Rooms or More. Gang release systems (manual or electric w/manual back-up) are required to be operational on all groups of six or more contiguous cells/secure rooms to permit the supervising staff member to simultaneously release all cell/secure room doors in event of a fire or other emergency. Each individual gang release device shall not operate more than 15 cells. All electronic locks shall have remote release capability.

(c) Padded Cells. Cells/secure rooms shall not be padded.

(d) Plumbing. Insofar as possible, each cell/secure room shall have internal plumbing providing both hot and cold water. A metal combination (jail type) plumbing fixture which contains a commode, lavatory, and bubbler is required for disciplinary segregation cells. Showers shall be adjacent to the berthing area, per reference (k). Shower heads shall be flush-mounted security type.

d. Habitability Requirements

(1) Lighting. Each cell/secure room shall be provided with an individual security light fixture with candlepower equivalent to current berthing space criteria but not less than 20 foot candlepower (fc) 30 inches above the finished floor.

These spaces shall be painted light colors. Windows shall be arranged to provide maximum natural light. Also see article 2209.1, Lighting, and article 2209.4, Windows.

(2) Temperature/Ventilation. Temperature and ventilation in cells/secure rooms shall be maintained per reference (k). Ventilation shall not fall below 10 cubic feet per minute per prisoner.

(3) Excessive noise shall be avoided.

2. Dormitories

a. Space Requirements. Each dormitory shall normally not exceed a rated capacity of 40 prisoners and shall provide 72 square feet per prisoner, exclusive of head facilities. In small confinement facilities or facilities where a separate control point exists for housing units, dormitories shall be located further from the control center than cells/secure rooms.

b. Construction Requirements

(1) Walls, ceilings, and floors shall be constructed of secure materials which are noncombustible and fire resistant.

(2) Dormitory entrances and fire doors shall be of security material, design, and construction, with view port and security locks, and, if hinged, swing outward.

c. Equipment Requirements

(1) Furniture. Each dormitory berthing space shall provide each prisoner with a locker and a security type bunk which shall normally be secured to the floor. A mattress, pillow, sheets, blankets, and a pillow case shall be provided for each prisoner. Bunks shall not be double decked if they interfere with visual supervision.

(2) Plumbing. Each dormitory shall have its own water cooler, heads, and washing and shower facilities adjacent to the berthing area. Interior panels or partitions, if provided for privacy, shall not obstruct security. Plumbing facilities shall be provided per reference (k).

d. Habitability Requirements

(1) Lights. Dormitories shall be provided with sufficient lighting fixtures to provide illumination per current standards but not less than 20 fc 30 inches from the finished floor. Fire and security night lights shall not be any brighter than the minimum needed for visual control and supervision. Windows shall be arranged to provide maximum natural light.

(2) Temperature/Ventilation. Dormitory temperature and ventilation shall be maintained per Bachelor Enlisted Quarters (BEQ) requirements. Air movement in dorms shall not be less than 15 cubic feet per minute.

(3) Noise. Excessive noise shall be avoided.

(4) Tests. Lighting, temperature, and ventilation test results shall be maintained on file for 3 years. Tests shall be conducted biennially.

2205. SECURITY AREAS

1. Control Center

a. Space Requirements. Control center shall be located within the facility'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. Construction. Control center shall be constructed so assigned staff may operate controls and communication devices and do necessary administrative work at a location which provides a clear view of the main corridor, entrance to the facility, and, when possible, entrance to the prisoner berthing area(s). It shall have only one entrance which is located outside of the security area it controls. Control center shall not be combined with any other office or administrative space. Construction shall be sufficiently secure to prevent entrance of any personnel to whom control center staff denies admission. Riot conditions shall be considered as an integral part of planning, designing, and constructing a control center. See also article 4101.

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 facility.

(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.

(3) Plumbing. Control center shall provide access to head facilities and drinking water for use by assigned staff without being required to leave the control room.

2. Sally Ports. Points of ingress and egress to and from the main building of the facility 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

a. Perimeter. Where perimeter fence constitutes the security perimeter of the facility, it shall be at least 12 feet high and designed to prevent prisoners from escaping over or under it. Use of double perimeter fencing is authorized only with prior approval of NAVPERSCOM (PERS-68) or CMC (PSL Corrections). If approved for double fencing, outer fence shall be spaced to prevent inner fence from leaning on the outer fence if knocked down.

b. Interior. Additional fences may be constructed within the security perimeter if needed to enclose or separate certain areas. Fences may be laced with concertina/razor wire, as outlined below in article 2205.3c, in locations where the fence connects with another fence or building.

c. Concertina/razor wire. Use of concertina/razor wire to lace fences is authorized where blade length is equal or less than 1 1/2 inches. Use of concertina/razor wire to lace fences

where blade length exceeds 1 1/2 inches is authorized only with prior approval of NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

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. Such 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 facility'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. Guard Towers

a. Permanent Towers. Where applicable, permanent guard towers shall provide continuous security for the compound perimeter and shall be equipped with drinking water, adequate ventilation, and a heating unit, as well as components of the staff communications systems used within the facility.

b. Temporary Towers. Where applicable, temporary guard towers shall provide perimeter security for short periods of time in a particular area and shall be equipped with heating and adequate ventilation. Permanently installed plumbing or communication devices are not required.

c. Construction. All towers shall be constructed with the floor not less than 16 feet above ground. They shall be installed at strategic locations at least 5 feet outside the perimeter fence. Each permanent and temporary tower shall be equipped with an adjustable searchlight operable from inside the tower. All windows shall be operable with one hand. Access to towers shall be by a single swinging security door with a manual deadbolt type lock. Tinted glass is preferred for all windows in the permanent towers.

6. 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 facility staff in the performance of their duties unless it is a regularly used sidewalk along a public street.

7. Gate Houses. If gate houses are used, they 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.

8. Communications Equipment (Emergency) Criteria. All equipment installed in confinement facilities shall be of the kind, type, and specifications required by applicable regulations, except as specified here. 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 housing unit to permit staff members to communicate on post and conduct normal business.

(2) A duress alarm is required for isolated posts of the facility. Facilities 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. A sufficient number of outside telephone trunk lines shall be installed in facilities to permit efficient conduct of business and to alert other station offices in event of escape, fire, disorder, or other emergencies. Such outside telephones shall be restricted from prisoner access except as provided for in article 8301.20. Alarms shall be installed as required for life safety, such as

fire or other emergencies. There shall be a direct means of communication (telephone, radio, intercom, or alarm) between the facility's control center and installation's security, provost marshal, base police, or master-at-arms dispatcher's office, destructive weather operations center, and fire department dispatchers.

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

9. Fire Construction/Equipment

a. Emergency Exits. Emergency doors, with view ports, shall be provided, in addition to regular point of ingress and egress, in such locations as to permit prisoners to be evacuated from housing units in the event the regular entrance is inaccessible. These doors also provide an alternate entrance for staff members if the regular entrance is barricaded during a disturbance. Emergency doors must be hinged to swing outward to preclude barricading from the inside. If exterior fire exit stairs are provided in two-story buildings, 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 article 2302.

b. Fire Equipment

(1) Fire Extinguishers. Kind and number of fire extinguishers and overhead sprinkler systems shall be prescribed by the fire department. Fire department shall conduct regular (at least quarterly) on-site fire drills and checks of equipment. It is essential that extinguishers, especially chemical extinguishers, be controlled when required in areas to which prisoners have access. Air/water extinguishers are preferable for prisoner access areas when fire codes shall permit, but these must be checked frequently to ensure they are operable and readily accessible. 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 of the facility must be strictly controlled. Fire hose connections and hoses (fire stations) within the facility 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. When such equipment is inside the security perimeter, it shall be under constant supervision of qualified staff members to ensure material such as ladders, hoses, axes, bolt cutters, etc., are not stolen or misused.

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

2206. PROGRAM AREAS. Whenever feasible, multi-purpose rooms shall be constructed to supply program spaces, e.g., classrooms, visiting, or messing. In addition, multi-purpose rooms shall be built adjacent to each berthing area to support program spaces. Refer to reference (k) for various program areas.

1. Classrooms. Classroom(s) shall be located within the facility, 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 to prevent blockage, unless code regulations require otherwise.

2. Shops. Workshops and industry shops shall meet the criteria specified in NAVFAC DM-28, 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. Walls, ceiling, and floors shall be constructed of non-combustible materials. Windows shall be security type. Entrances and fire doors shall be security type with view ports and a manual deadlock or electro-mechanical lock and hinged to swing outward. Doors for interior walls shall contain a view port and be equipped with an institutional lock.

c. Where such equipment is kept in a facility, a secure and lockable tool crib equipped with shadow boards, ladder racks, and garden tool storage racks shall be provided.

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

4. Visiting

a. Space. There shall be an area for personal and command visits and another for legal visits and official visits where privacy is an issue. Size and number of these rooms shall allow adequate space to accommodate projected needs of the facility.

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

(2) Legal visits and official visits. Private interview rooms for legal and official visits where privacy is an issue shall be constructed in such a way as to ensure such visitors have acoustical privacy in conducting their business. A view port shall be provided. Whenever feasible, private facilities and access to a telephone shall be provided for reviewing officer hearings, defense counsel, and where requested, command visits. These facilities shall be furnished with only two seats, a writing 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.

b. Furnishings. Visiting room furnishings shall be informal and casual to create a relaxed atmosphere. Use of outside areas with appropriate furniture is encouraged. Prisoners requiring special handling may be required to visit in

non-contact visitation booths. Bus station-type lockers shall be available for visitors to store their purses, packages, or other materials not authorized within the visiting area. When possible, visitors shall have access to a pay phone and vending machines for use in conjunction with visits.

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/Drill

a. Indoor. Adequate day room recreation space shall be provided either at a centrally located area or at each housing unit. This area shall be equipped with tables, chairs, and appropriate recreation equipment.

b. Outdoor. All facilities shall provide or have access to outdoor recreational spaces for PT, military drill, or recreational sports. A recreation field shall utilize as much of the outdoor area as possible within the perimeter fence. A drill field separate from the recreation field may be authorized where space or program needs dictate. In both cases, there shall be no trees, bushes, or structures within these areas.

2207. STORAGE AREAS. Refer to reference (k) for all storage areas.

1. Property/General Storage. General storage rooms and a prisoner property room shall be provided in addition to a room for storage of cleaning supplies. These areas shall be secured, and where practicable, provided with a heat sensitive automatic sprinkler system and adequate ventilation to prevent mildew in wet climates.

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 4306.5 and 6.

3. Vehicle Storage. Storage buildings for 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 facility.

2208. SUPPORT AREAS. Refer to reference (k) for all support areas.

1. Administrative Offices

a. Offices outside the security perimeter shall include one each for the CO/OIC, BRIG O, administrative officer, mail supervisor, and one larger for administrative clerks and records. Security features are required only for areas where drugs, mail, prisoner records, and valuables are stored.

b. Offices inside the security perimeter shall include one each for operations officer, programs officer, counselor(s), training and work supervisors, and if these billets are assigned, chaplain, medical officer, and mental health provider/officer.

2. Mess. Facilities with a capacity of 60 or fewer 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 facility, general mess requirements as specified by NAVFAC DM-36, Troop Housing (NOTAL) shall be met. In addition, following security measures are required:

(1) Doorways shall be limited to each end of the room, one set for prisoner traffic and the other leading to galley area.

(2) All doors shall be secured with a combination snap and deadbolt prison lock.

(3) Windows shall be security type.

b. Galley and Scullery. If a galley and a scullery are required within the facility, they shall be constructed and equipped per criteria specified by NAVFAC DM-36. In addition 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) An integral, secure, lockable shadow board storage for knives, cleavers, blades, and tools shall be permanently installed in the office area.

(3) Service door 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 command needs. Size of these spaces shall be in proportion to rated capacity of the facility. At a minimum, medical space shall be furnished with an examination table, instrument cabinet, writing desk, and adequate examination lighting. A small safe shall be installed in the medical space for storage of narcotics and other prescription-type medicines. In addition to its own locking device, the safe shall be installed in a lockable closet or cabinet which is permanently attached to the floor or wall.

4. Receiving and Release Unit. Space for a receiving and release unit shall be located within the security perimeter. This unit shall have sufficient storage space to store a supply of health and comfort items, issue clothing, and authorized gear. Unit shall have one administrative office and a search room. In larger units there shall also be a holding cell with head facilities and drinking water and a receiving and release room with shower and lavatory facilities.

5. Elevators. There shall be no elevators in a facility unless the facility is more than two stories high. 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. Windows shall be security type. 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 done for other organizations on the base or station, laundry space shall be designed per pertinent COMNAVFACENGCOM criteria for larger laundry operations.

2209. MISCELLANEOUS AREAS. Refer to reference (k).

1. Lighting

a. General Rule. Adequate lighting shall be provided in all areas of the facility in order to ensure security and elimination of dark spaces. Permanent posts shall be provided with additional illumination when necessary for accomplishment of assigned functions, e.g., searches, administrative tasks.

b. Berthing Areas. Night lights shall be provided in all berthing areas, and shall not be any brighter than the absolute minimum needed for visual control and supervision. Staff members shall carry flashlights for use when additional light is needed between taps and reveille.

c. Compound Lighting. Perimeter fence shall be lighted with outdoor fixtures 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 Generator. Each facility 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, and alarms. At a minimum, power generators shall be inspected weekly and load tested quarterly. Appropriate documentation shall be maintained by the facility to record all testing and maintenance. Such load testing shall be conducted only by authorized installation personnel.

(2) Constant Charge Battery. In addition to the emergency generator prescribed above, each facility shall have constant-charge, battery operated emergency lights placed in prisoner living quarters at strategic places in passageways and administrative spaces.

e. Lighting Fixtures

(1) Lighting fixtures in dorms, cells/secure rooms shall be security fixture type.

(2) All electric wall plates in prisoner housing areas 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 segregation cell/secure room. Dormitory switches shall be installed outside the dormitory area.

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.

c. Electrical power substations shall be located outside the security perimeter. When located within the security

perimeter, adequate security devices shall be in place to control prisoner access.

3. Temperature and Ventilation

a. Policy. Temperature and ventilation in all areas of the facility shall be maintained per prescribed requirements of reference (k). Temperatures shall be appropriate to the summer and winter comfort zones. For temperature and ventilation in all prisoner berthing areas see article 2204.1d(2) and 2d(2). Control centers shall be well ventilated and shall be air-conditioned.

b. Fixtures. Heat and ventilation fixtures in prisoner berthing areas 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 facility. 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, or floors. These conduits and tunnels shall have hardened grille partitions or 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 cell blocks and dormitories shall be arranged to provide maximum natural light and natural ventilation commensurate with safety and security requirements.

5. Plumbing

a. Facilities. Plumbing facilities shall be accessible to each living area, including cells/secure rooms, without the need for unlocking any door. Water cutoff control valve shall be located outside the reach of the prisoners.

b. Fixtures

(1) Each cell, with exception of "bare" cells, shall, preferably, be equipped with a combination drinking fountain, lavatory, and commode. Disciplinary cells shall use the metal jail security type.

(2) Showers in segregation area shall be security types.

(3) Faucets, valves, mixing valves, shower heads, etc. shall be heavy duty type designed for institutional use. Commodes shall be floor-mounted only. Lavatories shall be flush mounted in counters or the metal jail security type. Shower heads shall be non-adjustable, flush mounted security type.

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

(5) Central toilet facilities shall provide one electric water cooler; one lavatory for each six prisoners; one commode for each seven prisoners; one shower for each 10 prisoners; and one urinal for each 10 prisoners.

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 quarters or working buildings within the security perimeter to which prisoners have regular access.

6. Utilities Control. All major utilities shall be secured to prevent prisoners from gaining control of these units. Controls

such as main water and steam valves, electric fuse box controls, heat and ventilation system controls shall be secured with ready access limited to staff members. Each facility shall have a blueprint identifying locations of all utility controls. It shall be accessible to staff members only. 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. Passageway dimensions shall be in proportion to the amount of traffic anticipated.

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

c. 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. These doors shall be of the security type equipped with view ports.

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

c. Interior stairwell dimensions shall be in proportion to the area or passageway they service and shall be designed so as not to form a traffic bottleneck.

d. Exterior stairwells shall conform to interior stair requirements except the stair tower is an open type and shall have minimum visual obstruction of exit doors, landings, and stairs.

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.

b. All signs shall either be painted on roadways and curbs or 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. All labeling required within prisoner berthing areas shall be stenciled. Label plates shall not be used.

10. Lockers

a. Prisoners shall be provided a safe place, such as a locker, in which to keep their clothing, health and comfort supplies, and other authorized personal effects.

b. Every locker shall be secured by a prison-type combination lock, operable by a key, to facilitate inspection at any time by a member of the staff. Locks shall be provided for prisoners by the facility. 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.

c. Except in cells used for disciplinary segregation, prisoners' lockers shall be in their quarters rather than in an area not readily accessible to them.

11. Optional Security Equipment

a. Perimeter Electric, Electronic, or Mechanical Devices. These serve to identify the point at which a trespass occurs. Such devices may be used but shall not perform any function other than to trigger alarms.

b. Closed-circuit Television. These monitor strategic areas internal and external of the facility. These are best

utilized for observing persons desiring to enter the facility, especially if there is no staff member on duty at the entrance after duty hours, and the entrance is not in easy view of the control center. Closed-circuit television shall not be used to replace staff members for observing and monitoring cell blocks, dormitories, or segregation areas. Television equipment is expensive and difficult to maintain and monitor. A thorough study as to such equipment's effectiveness, practicality, and degree of user friendliness shall be made before any such unit is ordered.

c. Electronic devices may be used in screening for contraband.

12. Grounds and Ceilings

a. Grounds. Grounds within the facility perimeter fence shall normally be several times the size of the building.

b. Ceilings. Areas where prisoners have routine access shall not have suspended or false ceilings less than 12 feet from the nearest access level. Exceptions may be allowed in areas outside prisoner berthing spaces.

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

SECTION 3. MAINTENANCE - PHYSICAL PLANT

2301. PUBLIC WORKS/MAINTENANCE DEPARTMENT SUPPORT

1. Normal Maintenance. Public works/maintenance officer shall furnish the facility materials required to accomplish self-help maintenance functions. When persons from outside the facility are used, they shall be informed of security requirements and 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 public works/maintenance department to prevent security, health, and safety hazards. Facility staff shall not attempt to repair this kind of equipment except to 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 effected.

2302. INSPECTIONS

1. Frequent observations and post checks by facility 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. Staff shall also check for faulty electrical equipment, exposed wires, and other safety hazards. 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 facility staff.

2. Conduct of all required inspections shall be recorded in the brig log. Included shall be the time, name of the inspector, summary of results, and any immediate action taken. A complete record of all inspections shall be maintained, and may be maintained separately from the brig log.

3. Daily and weekly inspections shall be conducted per articles 2303.1 and 2304.

4. A formal weekly inspection or test, as appropriate, shall be made of all security, emergency, and fire fighting equipment to ensure proper operation.

5. Fire department shall conduct regular (at least quarterly) on-site fire drills and checks of equipment. Article 2205.9b applies.

6. Other inspections include headquarters level, Echelon 2/3 commands, inspector general, ACA, etc.

2303. SAFETY PROGRAM

1. General. CO 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. Any type of faulty equipment must be eliminated. Prisoners must be instructed in the proper use of tools and be required to observe all safety precautions. A formal weekly safety inspection shall be made in conjunction with other inspections, such as that for sanitation, with immediate steps taken to correct deficiencies. Machinery shall have safety regulations posted at each machine. Wearing of appropriate safety equipment (e.g., hard hats, and goggles) is mandatory.

2. Standards. Facilities shall comply with Naval Occupational Safety and Health standards (NAVOSH), fire, life, and safety requirements, and with those requirements prescribed by Chief of Naval Operations (CNO), CMC, and other appropriate authorities.

2304. SANITATION. A high standard of sanitation shall be maintained at all times. Prisoners must be informed of their responsibilities and instructed in carrying out the daily routine necessary in keeping the facility clean and neat. A daily inspection by staff, and a weekly inspection by a medical department representative must be made to ensure that cleaning and maintenance procedures are being carried out and that a vermin eradication program, if required, has been implemented. A copy of the weekly inspection shall be retained in the facility records.

CHAPTER 3
STAFF

SECTION 1. STAFF CRITERIA

3101. POLICY. Specialized nature of duty in a confinement facility requires that personnel assigned be selected per standard criteria and specifically trained in control, management, and correction of prisoners. Personnel assigned to confinement facilities shall be assigned a specific Navy Enlisted Classification (NEC) or Military Occupational Specialty (MOS), upon successful completion of formal corrections school or per procedures of their service. Civilians may be hired to augment military staff and shall be trained per requirements established by Navy Personnel Command (NAVPERSCOM) (PERS-68) or Commandant of the Marine Corps (CMC) (PSL Corrections).

3102. SELECTION CRITERIA

1. General. Personnel (military or civilian) selected for duty in confinement facilities must, unless specifically excepted by NAVPERSCOM (PERS-68) or CMC (PSL Corrections), meet and maintain the following general criteria. Personnel shall be mature and emotionally stable. Members who have a history of neuro-psychiatric disorder or excessive use or dependence upon alcohol shall not be assigned to confinement facility duty. There must be no documented in-service drug use. Members shall demonstrate leadership qualities and aptitude for working with people. Military personnel shall have no record of a civil court conviction, except for misdemeanor traffic violations. Civilian personnel convicted of a felony are ineligible for employment in a confinement facility (5 U.S.C., chapter 73). Personnel shall not be assigned to confinement facility duty who have an obvious disfigurement or other physical or speech impediment which might lead to contempt or ridicule by prisoners or undermine control of prisoners. Persons under investigation or being considered for administrative separation shall not be assigned to confinement facility duty.

a. Navy personnel shall:

(1) Have completed at least 24-months active duty following completion of recruit training.

(2) Be in paygrade E-4 or above.

(3) Have no record of conviction by court-martial or non-judicial punishment during past 36 months, and shall maintain a clear record during tour of confinement facility duty.

(4) Have body fat within standards per OPNAVINST 6110.1G.

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

(6) Possess a high school diploma or a high school equivalency certificate.

(7) Have no mark below 3.0 for Navy members E-7 through E-9 on NAVPERS 1610/2 or 3.6 on NAVPERS 1616/24 in any trait and must reflect a steady or improving trend for the past 36 months.

(8) Have no mark below 3.0 for Navy members E-4 through E-6 on NAVPERS 1616/26 or 3.6 on NAVPERS 1616/24 for the past 36 months. 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 confinement facility billet dictates.

b. Marine Corps personnel shall:

(1) Have a General Technical (GT) score of 100 or above (MOS 5831).

(2) Be at least 19 years of age (MOS 5831).

(3) Have no record of conviction by courts-martial or non-judicial punishment (NJP) involving drugs or moral turpitude during current enlistment (all MOSs).

(4) Have successfully completed formal corrections school training unless accepted into the MOS through the lateral move program.

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

a. Personnel shall be in paygrade E-5 or above and possess a strong desire to perform correctional counselor duties.

b. Personnel shall possess a high school diploma or equivalent. Exceptions must be approved by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Selected personnel shall be academically oriented and completed college or high school courses in human relations or related social sciences.

c. Personnel shall possess an ability to communicate effectively both orally and in writing.

d. Personnel shall display interest in providing guidance and emotional support to others.

e. Personnel shall have successfully completed the specialized training designed for correctional counselors.

f. Personnel assigned to shore facilities shall have completed a minimum of 6 months corrections duty.

3. Supervisory Positions. Personnel assigned to key positions, i.e., commanding officer (CO), executive officer (XO), officer in charge (OIC), BRIG O, assistant BRIG O, brig supervisor, chief petty officer in charge (CPOIC), or brig duty officer (BDO) (Navy)/duty brig supervisor (Marines), 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. These personnel shall complete the appropriate enroute formal training and local pre-service orientation program before being assigned operational responsibility if it is their initial assignment to a confinement facility. Personnel reassigned to another confinement facility without a break in experience must participate in an abbreviated program designed to orient them to that particular facility. BRIG Os shall not assume their position in Navy facilities until completion of training required by NAVPERSCOM (PERS-68). Term "brig duty officer" and "command duty officer" is synonymous as used in this instruction accounting for differences with Navy confinement facilities.

4. Opposite Sex. When specifically approved by NAVPERSCOM (PERS-68) or CMC (PSL Corrections), servicemembers may be assigned to facilities authorized for prisoners of the opposite sex; however, they shall not be assigned duties which require supervision of prisoners of the opposite sex at times when nudity routinely occurs.

5. Personnel from Other Military Services. In locations where naval shore confinement facilities regularly confine members of Air Force, Army, and Coast Guard, inter-service support agreements may be established and include a requirement for the using military service to provide staff augmentation. In such cases, the operating service shall establish the number and kind of billets prescribed in articles 3301 or 3302. Such billets shall be filled with personnel from other military services who meet the criteria specified above. Such personnel shall complete all training required in this manual and the CO may consider previous equivalent training as appropriate to fulfilling initial or basic correctional training requirements.

6. Civilians. Civilians may be employed in selected positions in shore confinement facilities only when specifically approved by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

3103. ASSIGNMENT CRITERIA

1. Personnel shall be assigned to confinement facilities for normal tours of duty. Transient personnel shall not be assigned to duty at a confinement facility, unless authorized in each case by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

2. Personnel ordered to duty in a confinement facility shall receive specialized training and shall not be utilized by the parent command for other command functions. Confinement facility personnel shall not be assigned to watch bills (except at the confinement facility) or to collateral assignments that involve law enforcement functions, to include afloat brigs, or any other duties that shall conflict with the ability to immediately respond to a crisis at the confinement facility. Command personnel who possess Navy Enlisted Classification Code (NEC) 9575 may be assigned collateral duties at the confinement facility in cases of necessity and with approval of the CO/OIC/CPOIC.

3. Insofar as possible, Marine Corps personnel with MOS 5831 or 5804 shall be assigned to billets at the confinement facility within the Marine Corps command to which assigned. Substitution of non-5831/5804 (augmented) personnel in confinement billets, when a sufficient number of qualified 5831/5804 personnel are assigned to that command, is not authorized unless specifically approved in each case by CMC (PSL Corrections).

4. Navy staff shall possess NEC 9516 or 9575 prior to assignment to duties at a confinement facility. Substitution of staff without NEC 9516 or 9575 is not authorized unless specifically approved in each case by NAVPERSCOM (PERS-68). Personnel shall be closely screened per criteria of article 3102 for suitability for correctional duty.

5. Navy personnel detailed to afloat brigs shall meet selection criteria as specified in article 3102, and shall possess the required NEC and training. Additional personnel from ship's company assigned to the confinement facility must complete the 2-week Afloat Brig Staff Orientation Course and shall receive pre-service training, as required in article 3502, from permanently assigned staff. In those cases where other services, including Marines, embarked utilize the confinement facility, they may be tasked to provide trained and qualified staff members in proportion to the number of that military service confined. These staff members must meet the same qualifications as required for Navy confinement facility staff. Management of the confinement facility shall be by Navy staff only. Reference (h) applies.

6. Civilian personnel shall have, as a condition of employment, the completion of required training courses appropriate to their position. At a minimum, the following pertains:

a. All personnel who have routine contact with prisoners shall complete pre-service, in-service, escort training and for Navy confinement facilities, Corrections Specialist Course (Course Number A-831-0001). This includes any person in a 20-year law enforcement officer retirement system.

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-68) or CMC (PSL Corrections) via the chain of command.

c. Personnel required to complete any training shall attend training within 6-9 months of entry on duty. Failure to complete required training shall result in disqualification for the position.

3104. PERFORMANCE CRITERIA

1. General. Confinement work is unique. Assignment of good leaders, even though they possess other technical skills and abilities, is encouraged.

2. Awarding the Correction NEC/MOS

a. Navy Personnel. Personnel who are assigned to confinement facility duties shall complete formal training enroute and be assigned NEC 9575. Correctional counselors shall, in addition, complete the appropriate counselor's course (Course Number A-831-0002) and be assigned NEC 9516. Personnel nominated to be correctional counselors at shore confinement facilities shall be selected from the confinement facility staff after having served a minimum of 6 months at the confinement facility. Exceptions to policy shall be submitted with justification via the chain of command to NAVPERSCOM (PERS-68).

b. Marine Corps Personnel. Personnel who successfully complete the basic corrections course directed by CMC, and those who meet the experience requirements contained in Marine Corps Order P1200.7Y, shall be awarded MOS 5831. Personnel in paygrade E-5 or above who have successfully completed a formal correctional counselor course may be assigned secondary MOS 5832.

3105. PERFORMANCE EVALUATION CRITERIA

1. Staff members must be continually evaluated to determine their effectiveness. Close observation, combined with training and progressively more responsible job assignments, is essential.

2. When confinement facilities are manned and operated by a single military service, military service procedures for assessing job performance shall be used.

3. When personnel from one military service are assigned to duty in a confinement facility operated by another military service, the following shall apply:

a. Individual's performance of confinement duties shall be the primary determinant of the individual's proficiency. Initial evaluation of the member's ability to carry out these functions shall be made by the BRIG O, as defined in article 3201.2.

b. Input from member's command for collateral duties and service requirements may be used as additional information. This procedure is not intended to conflict with regulations prescribing procedures for performance evaluations, but to define relative importance of various inputs on evaluations of personnel assigned to confinement facilities.

3106. UNSUITABILITY

1. Personnel who demonstrate a lack of maturity or ability to adjust to confinement duties after an adequate period of training and guidance may be disqualified from assignment to confinement facility duty. Recommendations for disqualification shall be submitted with appropriate justification to NAVPERSCOM (PERS-68) or CMC, Manpower Management Enlisted Assignments (MMEA), via CMC (POS-40), for approval. Upon approval, member shall be reassigned to another activity.

2. Such reassignments shall be made without prejudice unless such tendencies are a result of misconduct. Staff members removed from a confinement assignment for misconduct or for unsuitability, or as appropriate, upon their own approved request, shall have their NEC or MOS immediately removed to preclude any future assignment to a confinement billet.

SECTION 2. STAFF UTILIZATION

3201. ORGANIZATION OF FUNCTIONS AND TASKS. Personnel serve in one of the two following echelons:

1. Command Level. CO has overall responsibility for operation of the confinement facility. As used in this manual the term "CO" refers to one of the following:

a. Navy. If a confinement facility is established as an activity, the term "CO" refers to the CO of that activity. If the confinement facility is not established as an activity, the term "CO" refers to the CO of the shore installation where the confinement facility is located, or the CO of the ship wherein the confinement facility is located.

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

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

a. BRIG O. The "BRIG O" as used in this manual refers to the officer or senior enlisted member assigned the responsibility for the day-to-day operation of the confinement facility.

(1) Navy. The term "BRIG O" for the Navy refers to COs, OICs, CPOICs, and other officers as are assigned to a BRIG O billet. CO/OICs are ordered into the BRIG O billet as CO/OIC by NAVPERSCOM. CPOICs shall be appointed in writing to a BRIG O billet by CO of the activity where the confinement facility is located. Afloat BRIG Os or CPOICs shall be appointed in writing by CO of the ship where the confinement facility is located. BRIG Os of confinement facilities that are part of the activity where the confinement facility is located do not have independent special court-martial authority but, if needed, must request it through the chain of command from SECNAV. A BRIG O who is CO of a confinement facility that has been established as a separate activity has full authority of a CO as set forth in U.S. Navy Regulations.

(2) Marine Corps. BRIG Os shall be appointed in writing by CO of the confinement facility and shall be directly responsible to them for all matters concerned with operation of the confinement facility. Appointing letter shall delineate the

extent of delegation of administrative disciplinary authority, not to exceed that indicated in article 5101 of this manual.

b. Assistant BRIG O (Navy). A person with correctional security and programs experience shall be assigned as assistant BRIG O. This position will 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.

c. Brig Supervisor (Marines). Brig supervisor is normally the senior enlisted corrections member assigned to the confinement facility and is responsible to the BRIG O for the daily operation of the confinement facility. This person makes recommendations to the BRIG O regarding training, assignment, and performance evaluation of all enlisted members of the confinement facility staff. They make on-site inspections of all areas of the confinement facility.

d. Chaplain. A chaplain, when not assigned full time to the confinement facility staff, shall be assigned in writing by CO of the activity for the Navy, and the command chaplain for the Marine Corps, to administer the religious program.

e. Medical/Dental. Medical/dental officers, when not assigned full time to the confinement facility staff, shall be assigned in writing by CO of the medical/dental activity providing service to the confinement facility to care for the health and medical/dental needs of the prisoners and sanitary conditions of the facility.

f. Staff Specialists. In addition to the chaplain and medical personnel described above, there are other staff specialists who can be utilized very effectively by enlisting their assistance in training, developing, advising, and monitoring confinement staff activities in all areas of operations and programming. Such use is encouraged.

g. Funds and Valuables Custodian/Assistant and Collection Agents. CO/OIC 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 (m), article 041511 and shall be provided with adequate safekeeping facilities.

(2) Collection agents (authorized custodians) shall be designated in writing per reference (m), article 041512 to receive prisoners' funds and valuables and shall be provided with adequate safekeeping facilities for temporary storage of receipts.

h. Mail Supervisor. CO/OIC shall appoint in writing a staff member as an authorized custodian to process prisoner mail and to record and receipt for money and valuables received in prisoner mail.

3202. BILLET TITLES AND FUNCTIONS. Following billet titles shall be used in preparing manpower authorizations and tables of organizations established for Marine Corps confinement facilities and Navy waterfront brigs/CCUs. Some titles vary at consolidated brigs due to unique specialization of billets. Those billet titles are separately approved by NAVPERSCOM (PERS-68).

1. BRIG O. BRIG O is responsible for the humane care, custody, discipline, safety, welfare, and correctional treatment of personnel in confinement facilities; operation of the confinement facility per the requirements of this manual and other applicable instructions; encouraging command-level participation and provide liaison to staff specialists who support and provide guidance for the corrections program; and training and supervision of all staff members assigned to the confinement facility.

2. Assistant BRIG O (Navy). Assistant BRIG Os perform such duties as assigned by the BRIG O and acts, within judicial constraints, for this person in their absence. Assistant BRIG Os are responsible for the organization, performance of duty, good order and discipline of the entire command and supervise security, programs, administrative support, and training.

3. Programs

a. Programs Officer. Programs officer is responsible for areas concerning rehabilitation, retraining, and restoration. In facilities not having a programs officer, the assistant BRIG O is responsible for these functions.

b. Correctional Counselor. Correctional counselor provides direct and indirect, individual and group counseling to no more than 40 prisoners and assists in their program development, performance, and evaluations. Where this person is a para-professional, problems requiring professional attention shall be referred, through the chain of command, to a professional with the required competency.

c. Training Supervisor. Training supervisor is responsible for scheduling and providing staff and escort training, military and PT, and maintenance of staff training records. In smaller confinement facilities, this person may conduct prisoner reception, military and PT, and maintain prisoner training records.

d. 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 confinement facility; providing maintenance and general sanitation of confinement facilities and grounds; and coordinating employment of installation custody and minimum custody prisoners on individual assignments to other commands. This position will normally be filled by a civilian in Navy confinement facilities.

e. 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.

f. Case Manager/Counselor. Case managers/counselors assist prisoners in developing programs that assist in meeting personal

retraining needs. They shall meet with prisoners at least weekly to ensure prisoners are carrying out their program plans.

g. Victim Witness Coordinator. Victim witness coordinators shall be appointed in writing by the CO/OIC. Duties include acting as a liaison with crime victims and witnesses and notifying crime victims and witnesses of prisoner release-related activities. This billet is typically assigned as an additional duty to a mature individual who shall be sensitive to the needs of crime victims and witnesses.

h. Program Evaluator. Where applicable, program evaluator coordinates adherence to standards associated with varying agencies and organizations, to include inspections by Inspector Generals, installation fire and safety departments, hazardous materials/waste agencies, medical personnel, environmental agencies, food service personnel, ACA, and other outside agencies.

4. Administration

a. Administrative Officer. Administrative officer is responsible for administrative and prisoner records, facility correspondence, statistical data, reports, and prisoner sentence computation.

b. Receiving and Release Supervisor. Receiving and release supervisor is responsible for processing prisoner intake and release, relevant records and supplies, including health and comfort (H&C) items, prisoner personal property, clothing issue, and storage.

c. Supply Officer/Supervisor. Supply officer/supervisor is responsible for receipt, issue, and inventory of facility operations supplies.

d. Mail Supervisor. Mail supervisor is responsible for receipting, logging, inspecting, distributing, and posting of prisoner mail, and for receipting and accounting for prisoner funds and valuables received through the mail. In no instance shall prisoners inspect or handle mail.

e. Administration Clerk. Administration clerk performs clerical duties.

f. Funds and Valuables Custodian/Assistant. Funds and valuables custodian/assistant shall collect, receipt for, and ensure safekeeping of prisoner personal funds and valuables.

5. Security. All staff are responsible for security of the confinement facility and safety of prisoners and other personnel. The following shall ensure security, safety and welfare measures, and programmed activities are carried out per regulations and directives. Some posts must be manned 24 hours, 7 days per week.

a. Operations Officer. Operations officer is responsible in the areas of security, control, accountability, emergency planning and response, control of prisoner movement, maintenance of security and related equipment, perimeter patrol, and supervision of group activities.

b. Brig Duty Officer (Navy)/Duty Brig Supervisor (Marines). Brig duty officer/duty brig supervisor is responsible for supervising the security force, maintaining good order and discipline, carrying out plan-of-the-day, and ensuring the health, welfare, and safety of staff members and prisoners. When the BRIG O is absent, the next senior staff member available is in charge of the general operation of the confinement facility watch during normal business hours; after normal business hours, the brig duty officer/duty brig supervisor is in charge.

c. Control Center Supervisor. Control center supervisor is responsible to the brig duty officer/duty brig supervisor for maintaining the prisoner accountability and security system. This position is the hub of the communications system and coordinates information and activities concerning prisoners and prisoner movements. They are 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 BRIG O due to responsibilities and high demands associated with these duties.

d. Quarters Supervisor. Quarters supervisor is responsible to the brig duty officer/duty brig supervisor for maintenance of good order and discipline, sanitation, and accountability and welfare of prisoners in an assigned berthing area or special quarters. Each separate berthing area (dormitory or special

quarters) shall be supervised. In the case of very small (10 capacity or under) or minimum custody quarters, one quarters supervisor may be assigned to supervise up to four separate quarters so long as they are adjacent to each other. In case of larger quarters (more than 40 capacity) or unusually configured spaces, it may be necessary to assign more than one quarters supervisor. Medium/minimum custody quarters shall be closed during the day and prisoners shall be out on work details (unless work centers are established in the day room spaces of the berthing areas). It shall not be necessary to keep a quarters supervisor on duty in a medium/minimum berthing area to supervise only a few prisoners who are not going out to work. Therefore, prisoners who are held-in for whatever reason shall be supervised in a secured area adjacent and visible to a 24-hour post. Quarters supervisors shall supervise prisoners on work details when prisoners leave the housing area.

e. Prisoner Escort. Prisoner escort(s) shall be used for transporting prisoners to and from locations outside the confinement facility. Escorts may be provided by the using command personnel when properly trained and qualified and identified by a confinement facility-issued escort identification card.

6. Special. When the size of the facility and volume of prisoner turnover warrant, qualified personnel for functions shown below may be assigned on a full-time basis. For smaller facilities, such assignments shall be on a collateral-duty basis with provisions made to ensure sufficient time is made available to adequately carry out their duties. All personnel shall receive local training in security regulations, prohibited practices, and emergency procedures.

a. Chaplain. Chaplain administers the religious program and is responsible for coordination of worship services, consultation on religious issues, and facilitation of the visitation program for chaplains from units with personnel confined in the confinement facility.

b. Medical Officer. Medical officer is responsible for health and medical care of prisoners and sanitary conditions of the facility.

c. Hospital Corpsman. Hospital corpsman assists and is responsible to the assigned medical officer for the health care program for prisoners including emergency medical first aid and dispensation of all controlled medicines and drugs prescribed for prisoners. At discretion of the assigned medical officer, the hospital corpsman may conduct daily sick call and visit prisoners in segregation.

d. Mess Supervisor. Mess supervisor shall ensure quality and quantity of food served to prisoners are identical with that served in the enlisted mess for the general command population; that sanitation, preparation, handling, and service of food meet established criteria; and preparation and serving of special diets, bread and water meals and diminished rations (if imposed upon a person attached or embarked in a vessel) conform to requirements of this manual and reference (c). This person, when not assigned full time to the confinement facility staff, shall be assigned in writing by the CO/OIC.

e. Specialized Billets

(1) It may be necessary to assign personnel to a confinement facility who would normally perform similar tasks in another activity, such as disbursing or military personnel record keeping. When such personnel are assigned to a confinement facility, they shall complete all local training required of other confinement facility staff.

(2) When mission of a confinement facility requires specialized programs, additional billets to accomplish the confinement facility's mission may be added. Civilians with the required expertise may be hired on a full-time or part-time basis. Such personnel, depending upon their professional background and previous corrections experience, shall complete the training required by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

(3) All specialized confinement facility staff shall have the same responsibilities for security and prisoner welfare as do other confinement facility staff.

3203. WATCH BILL CONSTRUCTION. Security 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 BRIG O, but experience has shown that assignment periods of less than 3-6 months are ineffective.

3204. COMBINED DUTIES. In small facilities it may be both 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 confinement facility to another, the CO/OIC shall review grouped tasks.

3205. CONFLICTING ASSIGNMENTS

1. Officers. Officers assigned to shore and afloat confinement facilities are on 24-hour call to respond to emergencies within the facility and shall be exempted from assignment to watch bills and duties such as officer of the day, duty officer, security officer, etc. Duty officers are frequently called upon to arrest, restrain, or confine personnel in the performance of their duty. While exigencies of the service may require personnel to perform a share of collateral duties not related to criminal justice, COs shall avoid assigning such collateral duties as legal services officer, discipline officer, security officer, shore patrol officer, or any other assignment which is involved in the investigation, apprehension, or prosecution of military personnel under provisions of the UCMJ.

2. Enlisted Personnel. Personnel on rotating shifts or 24-hour immediate recall for emergency and riot control shall be exempted from local watch bills.

SECTION 3. MANNING LEVELS AND DUAL STAFF RELATIONSHIPS

3301. MANPOWER AUTHORIZATIONS - NAVY. Navy manpower authorizations for confinement facilities shall be established and changed using procedures provided in OPNAVINST 1000.16J. Waterfront brig/CCUs shall be under separate unit identification codes (UICs) to provide for screening and training of personnel assigned to correctional duties. Only those billet titles provided in article 3202 shall be used on manpower authorizations.

3302. TABLES OF ORGANIZATION (T/O) - MARINE CORPS. Marine Corps T/O's for confinement facilities shall carry such billets as a separate reporting unit code not integrated with any other element of the organization. Requests to establish or revise T/O's shall be routed through CMC (PSL Corrections).

SECTION 4. SPECIAL DIRECTIVES FOR CORRECTIONAL STAFF

3401. POST ORDERS. BRIG Os shall ensure there are up-to-date written instructions for each post which shall be reviewed annually. 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 shall know and be able to perform functions required in the post orders prior to assumption of that post.

3402. GENERAL RULES OF CONDUCT FOR STAFF

1. Generally, acting in conformance with requirements of the UCMJ and observance of constitutional rights of individuals is sufficient to establish proper staff/prisoner relationships; however, there are some aspects of staff behavior that merit special emphasis such as:

a. Physical and verbal abuse, hazing, use of unnecessary force, and any form of corporal punishment by a staff member are prohibited.

b. Striking or laying hands upon prisoners is prohibited 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.

c. Each confinement facility staff member, regardless of duty assignment, is responsible for maintaining security of the facility and the safe custody of the prisoners.

d. Each confinement facility staff member is prohibited from buying, selling, trading, or giving any item or service, or accepting favors or personal services to or from prisoners, and prohibited from permitting others to conduct such activities.

e. Each confinement facility staff member is prohibited from extending privileges, favored assignments, or information to individual prisoners which are not similarly available to all prisoners.

f. Staff personnel shall not use their official position to establish or maintain social contacts or relationships with prisoners, former prisoners, or their families or friends.

g. Each confinement facility staff member shall not release information on individual prisoners without authorization of the BRIG O.

h. Each confinement facility staff member shall set high personal standards of appearance and military bearing.

i. Each confinement facility staff member is prohibited from using profane, demeaning, indecent, or insulting language toward or in the presence of prisoners.

j. Each confinement facility staff member shall maintain a professional and firm manner toward prisoners at all times.

3403. FRATERNIZATION. Staff members are prohibited from fraternizing with prisoners. This restriction shall not prohibit all contact, such as simple conversation between prisoners and staff members. Confinement facility staff members are expected to treat prisoners humanely and as members of the military service in a subordinate position within the organization.

3404. HARASSMENT/SEXUAL HARASSMENT

1. Per SECNAVINST 5300.26C, 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 confinement facility policy and which would likely have the effect of humiliating or embarrassing prisoners or otherwise demeaning them shall be avoided. Sexual harassment is prohibited. This behavior interferes with an individual's performance and creates an intimidating, hostile, and offensive environment. Sexual harassment denies respect and dignity to the individual and is contrary to the mission of the confinement

facility. Confinement facilities shall strictly follow and enforce SECNAV's policy in both letter and spirit.

3405. PHYSICAL ABUSE/MALTREATMENT CHARGE. CO of the activity shall immediately review known circumstances and determine whether or not the duty assignment of the member charged shall be altered pending resolution of the charge. If the CO finds probable cause the allegation is true, the accused shall be reassigned to other duties not involving contact with prisoners. See article 3106 of this manual for possible removal from confinement facility duty.

3406. URINALYSIS TESTING. Policy for urinalysis testing in confinement facilities for staff and prisoners shall be implemented as provided in OPNAVINST 5350.4C, MCO 5300.12, or applicable civilian personnel regulations.

SECTION 5. STAFF TRAINING

3501. INITIAL TRAINING. All personnel assigned to corrections duty shall receive formal training as specified by NAVPERSCOM (PERS-68) or CMC (Training and Education Command) (TECOM), as appropriate.

3502. PRE-SERVICE TRAINING. After successful completion of formal correctional training, all personnel shall undergo pre-service training which is conducted at the confinement facility and precedes assumption of duties. All personnel assigned duties within the confinement facility shall attend pre-service training classes regardless of billet assignment or specialty code. It shall be sufficiently broad in scope to give a thorough understanding of policies, programs, and procedures to be followed in all phases of the operation. It shall be designed so that a successful participant could, with specialized training, fill any appropriate staff billet. Pre-service training shall consist of at least three subject matter areas: general orientation to correctional practices and the facility; general supervised on-the-job practice in all areas of the operation; and specific orientation to the particular assignment. Training shall be constructed so that experienced confinement personnel transferring into the facility attend only the portion designed to orient the participant with the peculiarities of that particular facility. Staff shall complete the Job Qualification Requirements (JQR) that outline

specific post requirements and responsibilities of a corrections specialist prior to unsupervised assumption of duties. 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.

3503. IN-SERVICE TRAINING

1. In-service training is designed to keep all staff members abreast of changes in policy and operations and to maintain and improve proficiency in confinement skills. Each confinement facility 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. In-service training shall be a minimum of 40 hours per fiscal year and, at a minimum, shall include the following subjects:

a. Goals/philosophy of the corrections program, official policies, programs, and procedures for the treatment of prisoners.

b. Reception/release process, physical examination, health and comfort issue, clothing issue, personal property, completing forms, and reception lecture content, stress management, and administrative procedures.

c. Searches, seizures, shakedowns, contraband, and use of force/restraints.

d. Programs, legal status, and custody classification, counseling, work, education, training, return to duty or discharge, and boards.

e. Supervision of prisoners, staff attitudes, pitfalls of harassment, intra-staff relationships, staff and prisoner relationships, recreation, mail and visiting procedures, and count procedures.

f. Problem and special handling prisoners, including the assaultive prisoner, suicide risk, homosexual, blood-borne/airborne

pathogens, drug user/supplier, borderline intelligent, and the pre-psychotic, among others.

g. Inspection of physical plant, bars, windows, doors, mess and recreation areas, fire safety apparatus, lighting, fences, and building exteriors; control of keys, weapons, chemical agents, medications, and tools.

h. Emergency bills; restraining methods and instruments; emergency equipment; and hostage survival.

i. Confinement facility rules for prisoners; disciplinary and other reports; who may authorize disciplinary measures; and authority and duties of the brig supervisor, section leader, control center supervisor, security supervisor, quarters supervisor, and other staff.

j. Qualification in appropriate firearms and chemical agents.

k. First aid and CPR.

l. Escort training and transfer procedures.

m. Victim Witness Assistance Program.

n. Hazardous material/hazardous waste procedures.

o. Unarmed self-defense.

2. All in-service training shall be documented like pre-service training (see article 3502).

3504. 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 confinement facilities, they shall fully participate in the prescribed confinement training program for that facility. Other services shall be permitted to send their personnel to training conducted at confinement facilities, as circumstances permit. This training will also be documented.

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

3505. PROFESSIONAL DEVELOPMENT. It is desirable that confinement facility staff members have access to college-level training, meetings, seminars, an annual workshop provided by NAVPERSCOM (PERS-68) or CMC (PSL Corrections), and staff training programs of professional correctional agencies. Department of Justice, Federal Bureau of Prisons, National Institute of Corrections, American Correctional Association, American Jail Association, and many State and local correctional agencies often make training and consultant resources available if approached.

3506. 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 confinement facility and supplemented by the installation or regional library.

CHAPTER 4
CONTROL, SECURITY, EMERGENCIES

SECTION 1. PRISONER ACCOUNTABILITY SYSTEM

4101. CONTROL CENTER FUNCTION

1. Control center is the focal point for all confinement facility security and control operations and is the impenetrable nerve center of the confinement facility. 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. Main communications terminals, both regular and emergency, are located in the control center. Outside telephone switchboards shall not be operated from the control center 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 control center shall be limited to authorized personnel. Prisoners shall not be allowed access to control center under any circumstances. Security features of control center shall be sufficient to prevent unauthorized persons from entering forcibly. Control center shall have windows which are glazed with security glass as specified in reference (k) and security openings, through which keys, badges, papers, etc., can be issued and received.

3. Control center shall be constructed and ventilated so in the event chemical agents are used within the facility, they shall not be inducted into the control center.

4102. CONTROL CENTER ACCOUNTABILITY SYSTEMS

1. Certain basic information must be maintained and controlled to ensure adequate accountability of prisoners at all times. This system shall be controlled by and maintained in the control center. Extent of this system shall be tailored to meet local needs. Small control centers may combine elements as desired. Many of these required forms and reports can be generated by the

Correctional Management Information System (CORMIS). Elements of this system are

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 file.

b. Prisoner Identification Badge. 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 administrative supervisor for inclusion in the prisoner's file. Such badges shall conform to article 8106.

c. Berthing Assignment Record. This record shall follow the berthing configuration of the facility and shall show which prisoner is assigned to each occupied dormitory or cell berth.

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 only if there are prisoners outside the facility on temporary absence. Control center shall maintain a DD 2708, Receipt for Inmate or Detained Person, for each prisoner on temporary absence. Normal format is a wall chart which provides time of the count and an appropriate number of spaces under each authorized out-count location (i.e., hospital, Naval Legal Service Office (NLSO), Transient Personnel Unit (TPU), etc.) and constructed so as to allow prisoners' names to be written in and erased repeatedly without damaging the form (i.e., grease pencil on an acetate cover). Form shall also indicate berthing space which shall be vacant when a prisoner is counted out of quarters.

f. Daily Change Sheet. A listing of all authorized status, custody, program, billeting, and work assignment changes shall be prepared daily. This sheet shall be authenticated by signature of the CO/OIC/CPOIC or designee, and distributed to all posts. All housing moves, except emergencies, shall be accomplished in conjunction with the daily change sheet.

g. Daily Appointment Sheet. Each work day, a daily appointment sheet shall be prepared by the administrative supervisor listing all authorized appointments for the following workday (i.e., medical appointments, legal appointments, military personnel appointments, chaplain interviews, etc.). This sheet shall be authenticated by signature of the CO/OIC/CPOIC or designee, marked "For Official Use Only" and distributed to all posts. This sheet shall group appointments by time sequence and each entry shall show the prisoner's name, social security number, and destination. A column shall be provided for explanatory remarks. Where applicable, CORMIS may be used.

h. DD 2718, Inmate's Release Order. Release orders shall be verified and maintained in the control center until the release is effected. Release order shall then be forwarded to administrative supervisor for inclusion in the prisoner's file. Administrative supervisor shall ensure information is properly reflected on the daily change sheet when known in advance. At the actual time of release, obtain the receipt signature on the release order, and deliver the completed form to the control center for the necessary record changes.

i. Brig Log. Brig log is the historical record of prisoner transactions and other significant events. It shall be maintained in the control center and reviewed (and countersigned) by the brig duty officer/duty brig supervisor at the conclusion of each watch. A running count shall be included in this log.

4103. 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 facility; 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 scheduled counts and other counts directed by local policy shall be entered in the brig log.

2. To ensure an accurate and well-organized count the following procedures shall be incorporated:

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

b. All external gates shall be secured during the count and shall not be opened until the count is cleared.

c. When count is sounded, the staff shall ensure there is no prisoner movement until the count is certified correct and the count is secured by the control center. To ensure uniformity of procedures, prisoners shall be assembled as follows:

(1) In Special Quarters/Cells. Prisoners shall stand at attention in their cell facing the door with the door shut and locked.

(2) In Dormitories. Prisoners shall stand at attention 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 attention 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.

(3) Outside of Quarters. Those prisoners outside of their quarters shall be assembled in a military formation and required to stand at attention while they are being counted.

d. As soon as supervisors have an accurate count, it shall be reported to the control center supervisor.

e. Control center supervisor shall total the number of prisoners signed out of the facility with the number of prisoners reported by supervisors and verify the total count.

f. In the event of a miscount, the count shall be repeated as stated above. A second miscount shall cause the control center supervisor 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, the escape provisions required to be established by article 4407.3 shall be initiated.

g. Supervisors shall personally count prisoners under their control and shall not allow any prisoner to assist them.

h. Emergency counts shall be conducted whenever deemed necessary.

4104. 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. Utilization of prisoner passes shall be stressed in large facilities to facilitate the control of prisoner movements within the facility. Prisoner passes shall be used for special purposes which require prisoners to leave their regular details. Strict control of prisoner pass system must be maintained. All members of the staff, staff specialists, and prisoners must be instructed in the operation of the pass system in order for it to operate correctly and efficiently.

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. Refer to article 8106.2c for applicable SSN provisions.

4105. SALLY PORT OPERATIONS

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

2. Following procedures shall be followed in sally port operations:

a. Whether gate or door locks are keyed manually or operated electrically, provisions shall be made to prevent both from being inadvertently opened at the same time.

b. If sally port doors or 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 confinement facility by the control center supervisor. All vehicles entering a sally port shall be searched.

d. Other staff members may assist the security supervisor 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 security supervisor.

SECTION 2. PRISONER CUSTODY CLASSIFICATION

4201. PURPOSE AND DEFINITIONS

1. Purpose. Purpose of custody classification is to establish the degree of supervision needed for control of individual prisoners. Custody classification 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 confinement facility. An objective custody classification process which addresses the characteristics of the prisoners shall be used per reference (t); the Correctional Management Information System (CORMIS) electronic equivalent is also authorized.

2. Classification Definitions. Every prisoner shall be assigned one of the following custody classifications:

a. Maximum Custody (MAX). Prisoners requiring special custodial supervision because of the high probability of escape, are potentially dangerous or violent, and 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.

(1) Supervision must be immediate and continuous. A DD 509, Inspection Record of Prisoner in Segregation, shall be posted by the cell door and appropriate entries made at least every 15 minutes.

(2) They shall not be assigned to work details outside the cell.

(3) They shall be assigned to the most secure quarters.

(4) Two or more staff members shall be present when MAX prisoners are out of their cells.

(5) MAX prisoners shall wear restraints at all times when outside the maximum-security area and be escorted by at least two escorts (confinement facility staff or certified escorts, per article 7406).

(6) On a case-by-case basis, the CO/OIC/CPOIC may authorize additional restraint for movement of specific MAX prisoners. A military judge may direct that restraints be removed from a person in the courtroom if, in this judge's opinion, such restraint is not necessary. In all cases, the limitations of article 1102 of reference (b) shall be observed.

b. Medium Custody In (MDI). Prisoners who present security risks not warranting MAX. They are not regarded as dangerous or violent.

(1) Supervision shall be continuous within the security perimeter and immediate and continuous when outside the security perimeter.

(2) They shall not be assigned to work outside the security perimeter.

(3) They shall wear restraints outside the security perimeter unless the CO/OIC/CPOIC directs otherwise.

(4) They shall be escorted by at least two confinement facility staff or certified escorts, per article 7406, unless the CO/OIC/CPOIC directs only one escort is required.

(5) They may be assigned dormitory quarters.

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

(1) Supervision shall be immediate and continuous when outside the security perimeter of the confinement facility.

(2) They may be assigned to any regular work inside or outside the facility.

(3) They shall require at least one escort when outside the security perimeter. Working party and other escort ratios shall be determined by the CO/OIC/CPOIC when escorted by confinement facility staff; escort ratios for unit escorts shall be no less than one escort per five MDOs.

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

(1) Custodial supervision may be occasional or periodic; a system of checks is usually sufficient.

(2) They are usually assigned work outside the facility.

(3) They shall require at least one escort when outside the security perimeter. Working party and other escort ratios shall be determined by the CO/OIC/CPOIC when escorted by confinement facility staff; escort ratios for unit escorts shall be no less than one escort per 10 MINS.

e. Installation Custody (IC). Certain post-trial prisoners who require only limited custodial supervision. They may work and move about much the same as individuals in normal duty status. Following guidelines apply to placing persons in installation custody:

(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 previously been removed from this custody grade for cause.

(4) May be berthed inside or outside the security perimeter of the confinement facility. Additional authorized privileges, such as attending the installation theater, library, sports events, and similar activities may be authorized by the activity (Navy) or installation commander.

(5) Person's uniform outside a Navy confinement facility shall not identify the individual as a prisoner. Prisoners confined in Marine Corps confinement facilities shall wear the standardized prisoner uniform per MCO 1640.5B.

(6) All IC's must sign a DD 512 and carry it with them at all times outside the facility. A locally prepared agreement, listing the limitations on movement outside the facility, shall be agreed to and signed by IC prisoners and countersigned by the CO/OIC/CPOIC or designee. 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 installation custody status is encouraged.

4202. CLASSIFICATION CRITERIA

1. A custody classification shall be based on amount of supervision and restraint each prisoner requires.
2. All new prisoners, except those specifically deemed to be serious management problems (MAX), shall be assigned a MDI custody classification during the reception phase. Detainees shall not be assigned a MDO, MIN or IC custody classification.
3. 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 lesser custody classifications (IC, MIN, MDO). Classification system must follow established, but flexible, procedures.
4. Prisoners in lesser custody classifications (IC, MIN) shall have the opportunity for additional privileges, as opposed to incentives, simply because of the requirement for reduced supervision and increased mobility. A prisoner in any custody classification may be granted extra incentives, within security constraints, for above average performance. Incentives must be earned and are not automatic with a custody classification. Prisoners shall be placed in the lowest custody classification as soon as possible. Thus, it is not appropriate to "promote" prisoners through custody classifications in sequence.
5. Following are factors, though not all inclusive, to be considered in assessing higher custody classifications (MAX or MDI):
 - a. Assaultive behavior.
 - b. Disruptive behavior.
 - c. Serious drug abuse.
 - d. Serious civil/military criminal record (convicted or alleged).
 - e. Low tolerance of frustration.
 - f. Intensive acting out or dislike of the military.

- g. History of previous escape(s).
 - h. Pending civil charges/detainer filed.
 - i. Serving a sentence which the individual considers to be unjust or severe.
 - j. Poor home conditions or family relationships.
 - k. A mental evaluation indicating serious neurosis or psychosis.
 - l. Indication of unwillingness to accept responsibility for personal actions past and present.
 - m. Demonstrated pattern of poor judgment.
 - n. Length, or potential length, of sentence.
6. Following are factors that indicate lower custody classifications (MDO, MIN, or IC).
- a. Clear military record, aside from present offense.
 - b. Close family ties; good home conditions.
 - c. The offense(s) charged is not serious.
 - d. Apparently stable mental condition (responsible for own actions).
 - e. Indications the individual wishes to return to duty.
 - f. Comparatively short sentence to confinement; however, length of sentence shall not be an overriding factor.
 - g. Behavior during a previous confinement.
 - h. Completion of, or active participation in, treatment programs or groups.
7. It must be understood the factors mentioned above are only indicators, not ironclad rules; therefore, the CO/OIC/CPOIC 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 CO/OIC/CPOIC shall be able to make more efficient use of staff and provide an atmosphere in which restoration efforts shall be more effective.

8. Adult Internal Management System (AIMS). An AIMS classification shall be determined for each prisoner confined in Navy confinement facilities. This is a five-level classification of prisoners based on aggressiveness of personality and methods of problem management used by an individual. AIMS is never used for custody or incentive determination, but is very useful for housing and programming prisoners together in order to maximize their opportunities to succeed and to utilize programs offered. Use of AIMS in each confinement facility is required; each classification and assignment board or unit board shall consider a prisoner's AIMS classification in assignment of berthing, program, and work. AIMS is used in Marine Corps confinement facilities at discretion of the CO.

4203. EVALUATION OF PRISONERS

1. An evaluation program as issued by NAVPERSCOM (PERS-68) shall be implemented in all Navy confinement facilities and correctional custody units. 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/actions of higher authorities, histories of prisoners can be developed for use in determining their response to the corrections program. This in turn shall indicate possible program changes.

2. Receiving and release supervisor shall ensure that a DD 2710, Inmate Background Summary, is completed on each prisoner as part of the admission process. It shall be reviewed by the brig duty officer/duty brig supervisor and forwarded to the 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 performance, overall performance, ability to get along with others, problems known to the supervisor, and any recommended custody or program changes.

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

4. A "treatment file" shall be developed for each prisoner to maintain all pertinent treatment and counseling related information. This file shall be made available to staff members on a "need-to-know" basis. It shall be made available for official reviews of adjustment to confinement and for board usage.

5. Each staff member has responsibility for passing information concerning prisoners to the proper authority in the confinement facility. What seems to be a bit of trivial information may prove to be significant when coupled with other information on hand. Behavior and attitude of the prisoner in the berthing area, at work, in recreation, and in a classroom shall provide a good overall indicator of problem areas and adjustment progress. Continuous staff evaluation of each prisoner cannot be overemphasized.

4204. CLASSIFICATION AND ASSIGNMENT (C&A) BOARD. The C&A board shall establish an individual prisoner's custody classification using objective classification/reclassification procedures. When the C&A board determines custody classifications, it shall be composed of the BRIG O or designated representative, one senior staff member from security and one from programs, and any other members appointed by the BRIG O. See article 6303 of this manual for program functions of the C&A board.

4205. SPECIAL QUARTERS

1. Policy

a. Some prisoners require additional supervision and attention due to personality disorders, behavior abnormalities, risk of suicide or violence, or other character traits. If required to preserve order, the BRIG Os or, in their absence, the brig duty officers/duty brig supervisors may authorize special quarters for such prisoners for purposes of control, prevention of injury to themselves or others, and the orderly and safe administration of the confinement facility. A hearing to determine the need for continued administrative segregation of the prisoner shall be conducted. This hearing may be by board action or by a member of the confinement facility appointed in writing by the BRIG O, and a written recommendation to the BRIG O will be provided within 72 hours of the prisoner's entry into segregation.

b. Special quarters is a group of cells used to house prisoners who have serious adjustment problems or certain medical issues, are highly temperamental or emotional, anti-social, some medical cases, or who cannot get along with other prisoners, or are persistent custodial problems. Special quarters are not a punitive measure and shall not be used as such. Prisoners must be made aware of the reason they are berthed in special quarters. Prisoners are assigned to special quarters by the BRIG O and shall not have normal privileges restricted unless privileges must be withheld for reasons of security or prisoner safety (e.g., suicide risks or aggressive, assaultive or predatory prisoners). For each period of 30 days a prisoner is retained in special quarters, the C&A board shall review and provide a recommendation to the BRIG O, who shall determine and certify the requirement for continuation in special quarters.

c. Disciplinary segregation is provided for in article 5105.3e.

d. Prisoners who have threatened suicide or have made a suicide gesture but are found fit for confinement may be placed within special quarters under continuous observation while in the category of suicide risk. CO/OIC/CPOIC may direct removal of prisoner's clothing when deemed necessary. Prisoner must be under observation of a supervisor of the same sex. Closed circuit television may be installed at a limited number of cells for observation, although cross gender monitoring is not authorized.

2. Procedures. All prisoners in special quarters shall be under continual supervision. Special precautions shall be taken in equipping, inspecting, and supervising their quarters to prevent escapes, self-injury, and other serious incidents. They shall be sighted at least once every 15 minutes by a staff member and shall be visited daily by a member of the medical department and the BRIG O. In addition, it is highly desirable that prisoners in special quarters be visited daily by a chaplain. Each sighting of and visit to any segregated prisoner shall be officially recorded and include date, time, name of visitor, and any appropriate remarks. DD 509, Inspection Record of Prisoner in Segregation, shall be used to record visits.

3. Behavior and Custody Problems. On rare occasions it may be necessary to confine violent prisoners in cells without furnishings to prevent them from injuring themselves or others. Such a measure shall be used only upon specific direction of the BRIG O. A segregated prisoner shall be released to regular quarters as soon as the need for special segregation is past.

4. Homosexuals. Persons who are suspected, accused, or convicted of homosexual acts shall not automatically be segregated or berthed in cells. Confinement in a cell may be appropriate when the prisoner has been involved in acts that may jeopardize the prisoner's safety or the safety of others. Homosexuals shall not be restricted from normal privileges and supervised activities available to other prisoners in the same custody classification if their conduct in confinement is not sexually aggressive and otherwise satisfactory.

5. Suicide Risks

a. Prisoners with a history of suicide attempts or 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 provides guidelines in those cases involving emergencies, specialized treatment or evaluation, or psychiatric treatment that can not be deferred.

b. Prisoners who have threatened suicide or have made a suicidal gesture, but are found fit for confinement, may be placed in the category of "suicide risk" for observation. They shall be placed in special quarters under continuous

observation. CO/OIC/CPOIC may direct removal of the prisoner's clothing when deemed necessary. Prisoner must be under observation of a supervisor of the same sex. Closed circuit television may be installed at a limited number of cells for observation. Use of this equipment would be in addition to the requirement above.

c. Such prisoners shall be berthed in special quarters and physically checked every 5 minutes. Such checks shall be annotated on an operational report, or other locally generated form, and shall accompany the prisoner's DD 509. They shall not be permitted to retain implements with which they could harm themselves.

d. When prisoners are no longer considered to be suicide risks by a medical officer, they shall be returned to appropriate quarters.

6. Human Immunodeficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS). See article 10104.

4206. BERTHING

1. Where facilities permit, newly admitted prisoners shall be housed separately from the general population until indoctrination in prisoner regulations and other administrative details of reception are completed. During this period of orientation, prisoners shall be objectively evaluated and a custody classification assigned prior to transfer to the general population.

2. Although preferred, there is no requirement that prisoners of different legal status (detained or sentenced) be berthed separately. Separation of prisoners shall be by custody or AIMS classification (see article 4202.8). Optimum situation would permit housing different custody classification prisoners in different and separate areas. In many confinement facilities, practicality dictates commingling of prisoners in the same quarters; however, every effort shall be made to maintain separate berthing where possible. Where optimum conditions do not exist, prisoners in medium and minimum custody classifications may be housed together.

3. Maximum custody and segregated (administrative/disciplinary) prisoners shall be berthed in special quarters or apart from the general population.

SECTION 3. SECURITY SYSTEMS

4301. RESPONSIBILITIES FOR SECURITY

1. Primary purpose of a confinement facility is custody and control of prisoners. Control of prisoners is effected by impartial enforcement of reasonable rules and regulations which are necessary for the safe and orderly operation of the facility. Custody and control measures shall be adequate to maintain good order and discipline, and to protect staff and prisoners.

2. An effective system of security, custody, and control shall be established in each facility. 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, regardless of duty assignment.

3. Fixed posts shall be maintained to ensure that all traffic is permitted to enter or leave only upon suitable identification and inspection. Use of armed sentries within the perimeter is not authorized. When perimeter sentries are necessary, sentries outside the compound of a shore confinement facility shall be located to ensure an unobstructed view.

4. Security measures inside the confinement facility are the day-to-day control and supervision procedures designed to facilitate the movements of prisoners, to assure control of their whereabouts, to guard against violation of rules, and to promote discipline and good order. 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.

5. Existence of programs or activities such as work, organized recreation, and self-improvement combine to create sound custodial measures. Security cannot be assured if it is based on procedures operated wholly against the will of the prisoners. When prisoners spend long hours in idleness and feel harassed by

unnecessary restrictions and procedures, hostility is created and the desire to escape or resist become dominant forces.

6. Persons not assigned to duty at the confinement facility shall not be allowed to enter the area except on official business or as authorized visitors. Staff members shall only interact with prisoners while in an official duty capacity. Authorized visitors shall be required to wear a visitor's badge on the front of their outside garment, above the waist.

4302. CONTRABAND AND SEARCHES

1. Contraband

a. Contraband is any article not authorized to be in possession of prisoners or any item authorized for a prisoner's use that has been modified for a use other than that originally intended. Local regulations shall specify what items are allowed and under what conditions. Items which threaten the security and safety of the confinement facility, or the possession of which are illegal, are always contraband.

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

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 their persons, quarters, and work areas are subject to search at any time while confined. Searches shall be conducted in a professional manner. Policies of article 3404 are applicable. There are two types of searches: of a person and of an area. These searches are described below and shall be used as the situation requires.

a. Search of the Person. Searches shall be conducted 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. Strip search shall be used in admitting new prisoners, when transferring prisoners, or whenever suspicion of a crime or violation of reference (a) attaches to a prisoner. BRIG O shall determine how often strip searches are to be conducted following visits, in those situations where the prisoner has been outside the security perimeter, and special cases when deemed necessary. In situations where all prisoners are not strip searched, and no specific incident exists, random selection shall be used. Random selection requires an objective method; staff choice on-the-spot is not an acceptable method. Complete search shall be made in privacy, and the searcher shall have another staff member present as a witness. In these searches the prisoners shall remove their shoes and all clothing. Clothing, personal effects, and body shall be carefully searched.

(3) Body Cavity Search. Internal examination of body orifices, when required, shall be made only by authorized medical personnel. This requirement does not preclude visual examination by staff members.

b. Area Search. All areas shall be subjected to a thorough search from time-to-time on an unscheduled basis. Visiting areas shall be searched by staff before and after all visits, and prior to any further access by prisoners. In conducting such 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.

4303. KEY CONTROL

1. Control of keys is a major element of security. A key control system shall include routine (at least monthly) inspections to ensure the authorized number of keys are available and will operate the locks. The system shall identify each key or ring of keys and give its location at all times. No key's marking shall indicate its function. Locks and keys (including spare keys) for fire escapes and emergency doors must be checked frequently to ensure their operation. Only authorized staff members shall have confinement facility keys in their possession and then only during the performance of duties requiring the use of those keys. Keys shall not be taken from the facility. A duplicate set shall be held in reserve for use in emergencies and shall be rotated regularly with duty keys to ensure all keys function properly. A third set of duplicate keys shall be maintained outside the confinement facility and at a secure location providing 24-hour availability. All sets of keys shall be rotated regularly (at least every 3 to 6 months) to ensure they function properly.

2. Keys shall be located in the control center and, except when in use, shall be stowed in a cabinet or locker that shall be secure at all times. Stowage shall be such that keys may be readily selected in case of emergencies. Key control system must be rigidly enforced. Control center shall have an accurate key book 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. Staff members authorized to draw keys shall use a metal tag system for each key drawn and be required to return the key after use. All keys must be accounted for at all times.

3. A sentry within a locked area shall have only the keys to a locked sub-area (such as keys to cells within a cellblock.)

4. A system for the control of confinement facility staff members' and visitors' personal keys shall be implemented.

4304. TOOL CONTROL

1. Tool control is essential to the security of the confinement facility. Small tools as well as large shall be marked/tagged for identification and closely controlled. Each staff member must report violations of the tool control plan. Ladders, rope, and other equipment that can be used for escape purposes or for weapons shall be included in the tool control plan.

2. Required Procedures

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

b. Utilize a shadow board with outlines for tools/maintain tool cribs.

c. Regularly verify presence of tools.

d. Check out tools so accountability for each tool can be determined at all times.

e. Frequently verify location of tools, and ensure hazardous tools such as files, hacksaws, welding torches, and pipe cutters are used only under supervision.

f. Tools allocated to various departments shall be distinctly marked for ready identification and to determine which department has responsibility for them.

g. Kitchen knives, meat saws, cleavers, ice picks, and barber tools shall be included in tool control. Where medical facilities exist, surgical knives and hypodermic needles shall be included.

h. Hazardous tools such as hacksaw blades, files and tips for cutting torches, and welding equipment shall be stored under lock and key.

i. Missing or lost tools must be reported immediately.

j. Broken, damaged, or worn tools must be turned in to the responsible supervisor for disposal. All pieces of a broken

hacksaw blade, file, or similar tool must be properly accounted for and disposed of.

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

4305. VEHICLE AND EQUIPMENT CONTROL

1. Authorization for entry of any vehicle into the facility compound is contingent upon consent to search. All vehicles entering or leaving the facility shall be carefully searched. Unattended parking in the compound shall not be permitted. A staff member shall remain with the vehicle the entire time it is in the facility 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. At discretion of the BRIG O, local conditions may not require search of every container; however, frequent spot checks of incoming containers shall be made instead.

Inspections must be thorough. Laundry, trash, and other containers large enough to conceal a person shall be searched before leaving the compound unless they were filled under the continuous supervision of a staff member and the supervision maintained until their removal.

2. Vehicles parked in the staff/visitors parking area shall be locked.

4306. VOLATILE/POISONOUS/HAZARDOUS SUBSTANCE CONTROL.

Supplies, which may be dangerous, shall be secured per applicable Navy/Marine Corps policy and Occupational Safety and Health Administration standards.

1. Medical Supplies. Everything containing a narcotic, alcohol, or poison requires special handling and accounting to provide adequate protection against carelessness, theft, and misappropriation. These supplies shall be controlled per rules set forth in the Manual of the Medical Department. When such supplies are needed for use, they shall be withdrawn only by medical personnel.

2. Flavoring Extracts and Food. When the facility operates its own galley, close supervision by the personnel in charge must be

maintained to prevent theft of material for making alcoholic beverages.

3. Poisons. Various compounds such as pest and rodent control powders and liquids, toilet bowl cleaner, soaps and detergents, and disinfectants are dangerous and must be controlled. These items shall be locked in a safe storage cabinet, dispensed in quantities required for immediate use, and issued for use only by staff.

4. Strong Irritants. Cleaning supplies, insecticides, and similar agents, which contain strong irritants that may cause blindness or death, must be closely controlled. These items shall be stored in a centralized location, properly issued, and returned by staff.

5. Paints, Varnishes, Thinners, Glues, and Antifreeze. Prisoners have been known to sniff or drink mixtures containing harmful compounds which resulted in serious injury or death. The utmost care shall be taken by staff to see that items of this kind are kept under lock, and only the amount necessary for the work on hand is issued. Mixing of paints or varnishes requiring the use of commercial thinners or alcohol shall be carried out under the immediate supervision of a staff member. Bulk storage of these items shall be in a storage area approved per local safety regulations. Shops where these items are used shall be closely supervised when in use and secured at all other times.

6. Gasoline, Kerosene, and Diesel Fuel. Highly volatile items such as these shall not be stored within the security perimeter of a confinement facility. Such items shall only be brought into the facility when necessary and then only in the amounts needed for the work on hand.

4307. WEAPONS

1. Restrictions. Firearms, ammunition, non-lethal, or chemical riot control equipment shall be allowed inside the security perimeter of the facility only when specifically authorized by the CO, or higher authority, and then only to prevent or stop a riot or general disturbance. The officer authorizing such use shall ordinarily be physically present during the period of

authorized use. The CO shall ensure proper training of staff prior to employment of any weapons within the facility.

2. Firearms. Use of firearms shall be authorized by the CO, or higher authority, only as a last resort. 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, riot batons, and Monadnock PR-24 Batons are considered deadly weapons. The CO 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, minimum force necessary to control the situation shall be applied. Specific training and annual certification is required for personnel carrying the Monadnock PR-24 Baton.

4. Non-Lethal. Use of non-lethals may be authorized by the CO or higher authority. Due to the array of applications available and unique scenarios appropriate for their use, pre-selection of such weapons is required. The CO shall publish policy governing training requirements and application.

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

4308. TEAR GAS (CHEMICAL AGENTS)

1. Chemical riot control equipment may be used only upon order of the CO, or higher authority, and only by a person trained in its use. A trained riot force of the activity (Navy) or installation shall be utilized. Oleoresin Capsicum (OC) and Ortho-Chlorobenzylidene Malonitrile (CS gas) may be used in all confinement facilities 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.

a. OC spray

(1) Ensure only trained personnel are allowed to use OC spray.

(2) Exposure to OC spray may cause respiratory failure in susceptible individuals. Ensure confinement facility staff are appropriately trained in basic life support procedures before using OC spray.

(3) Use only OC spray that is free of potential or known carcinogens.

(4) 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.

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

(1) Sufficient 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 bill.

(2) Provisions for equipment and personnel must be made for a follow-up action. Gas will 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.

(3) Gas shall be permitted to develop fully but not to dissipate before sending in the follow-up squad.

(4) A single 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 will quickly regroup unless the follow-up is properly timed.

c. Aerosol Tear Gas Streamers. COs operating confinement facilities may establish procedures for the control and use of aerosol tear gas subject to the following restrictions:

(1) Storage of aerosol tear gas shall meet the same requirement as other weapons, except that a minimum supply may be stored within the control center.

(2) Aerosol tear gas streamers shall not be carried by confinement facility staff members unless immediate use is anticipated. Personnel shall be trained and receive certification/re-certification for tear gas streamer use.

(3) Under the following conditions a CO may authorize the BRIG O to use aerosol tear gas streamers. In all cases where immediate use is dictated by emergency circumstances, each instance shall be immediately reported to the CO and documented.

(a) To intervene in violent, life-endangering, self-destructive behavior when other means of subduing the prisoner could result in serious risk of grievous bodily injury to staff or to the prisoner.

(b) To disarm or move a resisting prisoner into a more secure cell when use of streamer will aid in overcoming life-threatening actions of the prisoner.

(c) As an adjunct to riot control weapons when a significant number of prisoners are engaged in concerted violence.

(4) Aerosol tear gas shall never be used indiscriminately. It shall not be used in anticipation of violence or in response to verbal threats of violence or resistance. Prolonged discharge directly into the eyes or face at closer than 2 feet is prohibited.

(5) Commands or units maintaining an inventory of aerosol tear gas shall establish procedures to account for all dispensers.

(6) Commanders who maintain an aerosol tear gas inventory shall establish procedures whereby

(a) all personnel exposed to aerosol tear gas shall receive decontamination treatment as soon as possible after exposure, but in no event shall the delay exceed 45 minutes. This treatment shall include as a minimum copious irrigation of the eyes with cold water, and a medical department examination for evaluation and appropriate referral for those individuals heavily exposed to tear gas, and replacement clothing for individuals whose clothing is contaminated.

(b) decontamination of the confinement facility shall be accomplished following the use of tear gas.

2. Whenever a chemical agent is used, a detailed description of the circumstances attending its use shall be reported per article 8112. If injury or an adverse public reaction shall occur, an interim telephonic report shall be made immediately to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) with follow-up reports as soon as additional information becomes known.

4309. INSTRUMENTS OF RESTRAINT

1. Instruments of restraint of any type shall not be used as punishment. See article 1102 of reference (b).

2. As a precaution against incidents created by dangerous, violent, or escape-minded prisoners, handcuffs, transportation belts, and leg irons may be utilized. Use of restraints during movement of prisoners shall be as outlined in article 4201 of this manual. The CO and a medical officer must authorize use of straitjackets.

3. Instruments of restraint are not normally authorized to be used within the security perimeter of the confinement facility except when preparing to move a MAX prisoner outside the segregation unit, when regaining control during a disorder, or when a prisoner is violent and self-destructive. Normally, the senior military staff member on duty at the confinement facility

is the only one authorized to order the use of restraints in these situations. If restraints are used as a result of a disorder or on a violent prisoner, the CO shall be notified immediately. The CO or designee shall make an immediate on-site visit to observe the use of restraints is appropriate and shall report that use to their immediate superior in command. An incident report shall be submitted as directed in article 8112 of this manual if the situation warrants it. In any case the senior staff member on duty at the confinement facility shall ensure that restraints are removed as soon as possible.

4. Chains (irons, single or double) affixing a prisoner to a wall or other apparatus or other restraining devices not mentioned above are prohibited.

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

SECTION 4. DISTURBANCES AND EMERGENCIES

4401. 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. A well-trained staff shall be able to observe and detect tensions and unrest among prisoners and must report them promptly.

2. Frequent causes of disturbances are mistreatment, untrained staff, failure to separate problem prisoners, and improperly prepared or served food.

3. 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.

4. Serious incidents/alleged incidents that could result in embarrassment to the naval service or focus public attention on the confinement facility in question shall be reported to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) per article 8112 of this manual.

4402. CONTROLLING DISTURBANCES

1. Staff personnel 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.

4403. PRIORITIES OF FORCE. 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 article 4404. The application of any or all of the priorities of force listed or the application of a higher numbered priority without first employing a lower numbered 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:

Priority of Force

Who May Order
—(billet)—

	<u>Navy</u>	<u>Marine Corps</u>
An order	any staff member	any staff member
Show of force	BRIG O (see 3201.2a(1)) command duty officer/ brig duty officer	BRIG O (see 3201.2a(2)) duty brig supervisor (see 3202.5b)

	(see 3202.5b) staff member in self-defense	staff member in self-defense
Use of physical force	BRIG O or authorized representative (see 3201.2a(1)) command duty officer/ brig duty officer (see 3202.5b) staff member in self-defense	BRIG O or authorized representative (see 3201.2a(1)) duty brig supervisor (see 3202.5b) staff member in self-defense
Less than lethal munitions	commanding officer (see 3201.1a)	commanding officer (see 3201.1b)
Use of high pressure water/or chemical agents	commanding officer (see 3201.1a)	commanding officer (see 3201.1b)
Use of batons	commanding officer (see 3201.1a)	commanding officer (see 3201.1b)
Fire by selected marksmen or full firepower	commanding officer (see 3201.1a)	commanding officer (see 3201.1b)

4404. DEADLY FORCE

1. Deadly force is defined as that force which is used with the purpose of causing, or which a person knows or shall know would create, a substantial risk of causing death or serious bodily harm.

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

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

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

3. CO will insure 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.

4405. FIRE BILL

1. Fire Protection Requirements

a. Firefighting equipment must be provided in accessible locations and kept in working order. Fire extinguishing devices using any chemical harmful to personnel shall not be available to prisoners or located in prisoner areas.

b. Regular fire drills are required and shall be coordinated with command firefighting personnel.

c. Emergency Breathing Devices (EBDs) 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. In large confinement facilities, additional EBDs shall be maintained at control posts close to prison berthing areas.

2. 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 extinguisher in close proximity to all housing units and at strategic locations in other areas.
- d. Keys to emergency exits, properly controlled and distinctly marked.
- e. Availability of portable floodlight equipment.
- f. Training of staff and prisoners in prevention and reporting of fires.
- g. Prominent posting of fire bill including layout of primary and alternate evacuation routes for information of staff and prisoners.
- 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.
- j. Detailed plan of building(s) for fire department only.

4406. NATURAL DISASTER BILL

- 1. If a shore confinement facility is not secure enough to withstand natural disasters, prisoners and staff shall be evacuated prior to the final alert stage or condition.
- 2. Disaster bill shall include the following:
 - a. A secure area/structure shall be predetermined for the security and prompt evacuation of all personnel.
 - b. Evacuation routes shall be carefully predetermined for security and prompt evacuation of all personnel to take into account natural and man-made barriers.
 - c. Emergency food, water, first-aid supplies, and communications shall accompany personnel if not already pre-positioned at the evacuation site.
 - d. If time permits, basic prisoner records shall accompany personnel to the evacuation site.

e. Confinement facility shall be secured once evacuation is complete.

f. Medical assistance shall be provided for injured personnel.

g. Procedures to account for all personnel and a plan to effect the orderly return to the confinement facility.

h. Working parties shall be formed as necessary to repair damage and clear debris.

4407. ESCAPE BILL

1. All precautions shall be taken to prevent escape of prisoners; however, the escape of a prisoner is not detrimental to the reputation of a command or the staff when reasonable precautions have been exercised. 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.

2. All members of the staff 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 Confinement Facility. 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.

(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 confinement facility 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 confinement facility, and request instructions.

3. Escape bill shall provide for the following:

a. Procedures for reporting absence of a prisoner and sounding the alarm without loss of time.

b. 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). This shall be tested periodically to verify accuracy of recall numbers and response time of staff members.

c. 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.

d. Post 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.

e. Provisions for notification of military and civil law enforcement agencies in the area when an escape has occurred and their notification upon apprehension. Deserter Information Point 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 Deserter Information Point by the most expeditious means. The below points of contact are provided.

- (1) Navy: Toll free (800) 423-7633.
- (2) USMC: commercial (703) 614-3248, 3376/DSN 224.
- (3) Army: commercial (317) 510-3711, 3712/DSN 699.
- (4) USAF: commercial (210) 565-3727/DSN 665.

f. Special instructions for staff members who will remain on posts in housing units, galley, or other vital areas.

g. Provisions for picking up personnel assigned to outlying posts, and for turn-in of equipment.

h. Provisions that the escape plan not disrupt unrelated activities of the installation or station.

i. Provisions for training of staff members in placing the escape bill into effect.

j. Provisions for security of the bill. The bill must not be known to prisoners.

k. Provisions for securing and preserving any evidence of, or related to, the escape.

4408. RIOT CONTROL BILL

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

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

3. An estimate 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.

4. Chemical agents may be used as directed by article 4308.
5. Prior arrangements shall be made for appropriate emergency response unit, not assigned to the confinement facility, to secure the outside perimeter of the facility to prevent escape during the period of time spent in forming and briefing the facility 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.
6. Riot control bill shall provide for the following:
 - a. Sounding the alarm.
 - b. Basic procedures for dealing with riots in the mess hall, recreation area, auditorium, or any place where large numbers of prisoners normally gather.
 - c. Instructions for identifying, separating, and housing ringleaders.
 - d. Provisions for notifying the CO, security, fire and public works departments, and staff members (Emergency Recall Bill) who may be needed in controlling the riot.
 - e. Training of all staff members in the control of riots, riot equipment, and familiarization with the riot and disorder bill.
 - f. Safety measures for staff and prisoners who are not participants.
 - g. Provisions for the protection of property.
 - h. A system of inspection and checks to ensure proper functioning and availability of emergency doors and equipment, e.g., gas masks, keys, weapons, ammunition, etc.
 - i. Taking immediate steps to close the security perimeter to any avenue of escape or breaching.
 - j. Procedures for localizing the disturbance.

k. Procedures to be followed in the event of a hostage-taking situation. See article 4409.

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

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

n. 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. Formally trained confinement facility staff shall incorporate negotiation techniques and procedures within the hostage bill.

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

p. 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, movie camera, and tape recorder are practical equipment to have available for disturbances.

q. Detailed plan of building(s) (blueprint/videotape).

r. Contents of the riot control bill shall not be revealed to any prisoner.

7. Post-Riot Procedures. Following steps shall be taken as soon as the disturbance is under control to ensure no one has escaped and physical plant of the facility is secure.

a. Confine all participants of the riot and assign sufficient supervision to prevent a recurrence of the disturbance.

b. Account for all prisoners.

- c. Provide extra supervisory personnel in all quarters and mess hall until it is certain the disorder is completely subdued.
- d. Confine all leaders and agitators in special quarters.
- e. 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.
- f. Conduct a thorough investigation of the incident.
- g. Photograph all damaged areas and destruction before making repairs.
- h. Arrange for repair of damage to the confinement facility's physical security.
- i. Debrief staff personnel.

4409. HOSTAGES. Although the taking of 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 indoctrination of all staff members and specialized training of hostage reaction teams is imperative. It is SECNAV policy if a disturbance occurs in a confinement facility, necessary force shall be used to subdue the disturbance. All orders received from an individual under duress or being held hostage shall be referred to the next senior (non-hostage) in the chain of command before being acted upon. Until a response is received, failure to comply with an order given under duress is excusable.

CHAPTER 5
DISCIPLINE

SECTION 1. ADMINISTRATIVE DISCIPLINARY MEASURES

5101. PRISONER DISCIPLINE

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. Background

a. NAVPERSCOM (PERS-68) and CMC (PSL Corrections) have been proponents in advocating uniform administrative disciplinary process, procedures, and disciplinary and management actions, hereafter referred to as the "discipline program", within the Department of Defense (DOD) corrections system. The discipline program, modeled from a similar program administered at the United States Disciplinary Barracks, Ft. Leavenworth, KS has been staffed through the Military Services and is anticipated to be included in future changes to reference (s).

b. Notable changes to the discipline program include standardized: discipline-related terms, definitions of confinement facility offenses, scope of disciplinary actions (e.g., minor and major), and definitions and offense categories with associated administrative disciplinary and management actions.

c. The confinement facility commanding officer (CO)/officer in charge (OIC) may delegate, in writing, to a ranking officer (executive officer (XO), assistant officer in charge (AOIC), BRIG O authority to impose all authorized disciplinary actions except for forfeiture of good conduct time (GCT)/earned time (ET), special acts abatement (SAA), disciplinary segregation (DS), and disciplinary segregation special diet (DSSD). Hereafter, the term "abatement" refers to GCT, ET, and SAA.

3. Definitions

a. Administrative Segregation (ADSEG). Involuntary or voluntary separation, for specific cause, of select prisoners from the general prisoner population and authorized movement of a prisoner to special quarters (SQ) by the COs/OICs or, in their absence, the brig duty officer (BDO)/duty brig supervisor (DBS) for purposes of control, preserving order, prevention of injury to themselves or others, and for the orderly and safe administration of the confinement facility.

b. Disciplinary Segregation (DS). The directed placement of prisoners in special quarters (SQ) in order to separate them from the general population of the confinement facility as a result of disciplinary and adjustment (D&A) Board process and specifically authorized by the CO/OIC.

c. Incentives. Tangible and intangible opportunities, beyond the scope of privileges, available within the confinement facility'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 confinement facility policy and procedures.

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

e. Major Disciplinary Actions (Major Punishments). Authorized disciplinary actions as a result of D&A Board process and specifically authorized by the CO/OIC to include: forfeiture of GCT, ET, or SAA; DS; disciplinary segregation with special diet (DSSD); and associated management actions (e.g., vacation of suspension of outstanding major punishments).

f. Management Actions. Authorized actions as a result of disciplinary and adjustment D&A Board process and specifically authorized by the CO/OIC or designee to include: detail change (job and or ET work level); change in continuous employment

date; berthing change; suspension or vacation of an imposed disciplinary action; incentive level change; and custody reduction.

g. Minor Disciplinary Actions (Minor Punishments). Authorized disciplinary actions as a result of D&A Board process and specifically authorized by the CO/OIC or designee to include: administrative reprimand or warning; loss of privileges; extra duty; and associated management actions (e.g., vacation of suspension of outstanding minor punishments).

h. 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 in corrections serve as a practical method of reducing prisoner tensions and motivating or controlling prisoner behavior. Privileges can be removed from a prisoner as punishment for a rule violation, but only after a due process hearing (e.g., D&A Board). Privileges often include, but are not limited to: commissary (H&C) visits; visits; phone calls; television; radio; movies; recreation; special events; and special visits. Privileges are distinctly separate from incentives and identified as such, in writing, to staff and prisoners.

i. Rights. An essential service that must be provided to a prisoner. Prisoner rights are established in the United States Constitution and defined by Department of Defense (DOD), Secretary of the Navy (SECNAV), and other naval operating instructions. Rights are not removed from a prisoner as a punishment for a rules violation, but may be restricted, however, when there is a legitimate penological interest, such as security or safety. Rights in confinement include, but are not limited to: 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 it more important than in military confinement facilities, since persons returning to duty after confinement can serve satisfactorily only if they are able to conduct themselves in a disciplined manner. Most prisoners in naval confinement facilities are young and are in confinement due to their lack of self-discipline.

b. Discipline can be learned only in a disciplined environment. Confinement facilities must at all times provide such an environment, which is enhanced by requiring a high standard of staff discipline. If every member of the staff meets 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 (DON) policies and shall cover essential elements of the confinement facility's correctional program and daily routine.

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

e. Instructions concerning various prisoner routines and responsibilities shall be thoroughly explained in the reception phase. It must be realized that newly arrived prisoners are in unfamiliar surroundings. They must 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 places readily accessible to prisoners.

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."

(3) "Do not engage in disruptive behavior."

h. Each prisoner is expected to comply with the confinement facility rules and regulations and each shall be informed that any attempt to circumvent the rules and regulations shall be punishable as a breach of discipline.

i. Prisoners are subject to reference (a), regardless of discharge status.

j. Personnel in confinement shall observe military courtesies per service customs and traditions as appropriate. They 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 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) Prisoners shall be required to perform only that PT prescribed in the daily routine/plan of the day. Use of PT or close order drill, as punishment, as a means of motivational training, or by any other reason, is prohibited. Discharged military prisoners will be allowed the opportunity, but are not required, to participate in organized PT. When participating, they will follow the same protocols required of non-discharged prisoners. Discharged prisoners who elect not to participate will remain in their cells/rooms during the evolution.

k. Military courtesies and discipline shall be taught and required in a confinement facility as they are practiced in a regular military unit or aboard a ship or station. Unless

specifically authorized by the CO, OIC, or chief petty officer in charge (CPOIC), and prescribed in the plan of the day, extra military instruction (EMI) shall not be directed.

1. Gambling among prisoners is specifically prohibited.

5102. AUTHORIZED DISCIPLINARY PROCESS, PROCEDURES, AND ACTIONS

1. Authority. COs/OICs and others as specified herein may impose disciplinary actions on prisoners after due process (D&A Board). Disciplinary actions are administrative in nature and do not preclude trial by courts-martial or action under reference (a), article 15.

2. Punishable Conduct

- a. While confined at military confinement facilities, all prisoners are subject to disciplinary action for violations of reference (a), relevant Federal laws, and confinement facility rules and regulations, even after discharge from the Military Service. Jurisdiction over a prisoner continues even after departing the confinement facility (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 confinement facility 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. Excessive use of DD 2714s, Inmate Disciplinary Report (DR), reduces their effectiveness.

- c. Mass or group punishment for an offense by an individual is strictly prohibited.

- d. DRs shall be reserved for serious offenses, or to interrupt a pattern of unacceptable behavior, such as a series of minor infractions in a short period of time as documented on DD 2713, Inmate Observation Report (OR).

e. ORs placed in prisoners' files provide an excellent means of evaluating their performance; however, no inference shall be drawn that every minor incident must be put in writing.

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

a. When a staff member reports an offense, the prisoner shall be immediately informed of the nature of the alleged rules violation. DR, shall be used in reporting offenses. Contraband or other evidence substantiating the charge is to be submitted with the DR. DRs, once submitted by the staff member to the CDO/DBS, shall not be dismissed except by the XO/AOIC/BRIG O after their review of the report and informal investigation. The brig CDO/DBS shall initially review the DR for clarity, completion, and, where necessary, take interim action to ensure safety, and good order and discipline within the confinement facility. A due process hearing to determine the need for continued administrative segregation of the prisoner shall be conducted by a neutral member of the brig staff, appointed by the CO/OIC, to review and make recommendations to the CO/OIC within 72 hours of the prisoner's entry into segregation.

b. In all cases where a DR is submitted, an informal investigation into the facts and circumstances of the alleged violation shall be made by a staff member uninvolved in the incident. Prisoners who are on report may make a statement in their own behalf, after they have been warned against self-incrimination in compliance with 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 request a hearing by D&A Board without consulting counsel, obtaining personal representative, or calling witnesses.

c. The DR and investigation shall be forwarded to the XO/AOIC/BRIG O for review. In cases where the XO/AOIC/BRIG O directs a hearing by the D&A Board, written notice of the alleged violations shall be given to prisoners at least 24 hours in advance of the hearing. At Naval Consolidated Brigs (NAVCONBRIG) the XO shall refer the disciplinary case to either a command-level or departmental-level board, as appropriate.

4. D&A Board

a. A D&A Board shall be appointed at each confinement facility and shall be composed of at least three members without direct personal interest in a given incident. The staff member next in authority to the CO/OIC shall chair the D&A Board. Civilian and enlisted staff personnel may serve as board members when designated by the CO/OIC. A recorder shall also be assigned. At NAVCONBRIGs, two D&A Boards may be established: a departmental-level board, chaired by a department head or equivalent, empowered to hear minor disciplinary action cases; and a command-level board, chaired by the technical director, empowered to hear major disciplinary action cases. The D&A Board shall forward all recommendations to the XO prior to imposition. If the departmental-level D&A Board recommends any major punishments, the case shall be referred to the command-level D&A Board. In review of the DR, the CO/OIC (to include XO at NAVCONBRIGs for minor punishments) is not limited by, or bound to, the recommendations of the board. They may reduce or reverse the D&A Board findings and decrease recommended disciplinary actions as appropriate. Only the CO can increase the punishment recommended. A copy of the finalized DR action shall be provided to the prisoner.

b. A D&A Board will be convened for the purpose of evaluating all facts and circumstances surrounding alleged prisoner misconduct, infractions, violations of confinement facility 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 hearing 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, emotional issues. The board should recommend disciplinary measures only to regulate and control the prisoner's behavior as necessary within acceptable limits. Disciplinary measures are never to be recommended capriciously or in the nature of revenge or retaliation. Each case is considered individually and on its own merits, based on a thorough and impartial evaluation of all relevant facts and circumstances.

5. General D&A Board Procedures

a. When a prisoner is having difficulty responding to the charges, or comprehending the English language, or when the complexity of the issues require special assistance, a request may be made to the D&A Board Chairperson to have a staff member act as an interpreter, spokesperson, or assistance on the explanation of the issues for the prisoner. There is no right to a specific staff member to assist the prisoner.

b. Witnesses. At the time the prisoners are notified of their anticipated D&A Board appearance date, the prisoners must provide their final list of merit witnesses. Merit witnesses are those members the prisoners want to appear at their Board, and are the only witnesses the D&A Board staff will notify to be present for the hearing. When prisoners receive written notice, or at any time thereafter, up to 24-hours in advance of the hearing, the prisoners may request to review the evidence and statements.

c. 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 prisoners understand each charge. All questions are resolved before continuing. The prisoners must either

(1) plead GUILTY to any or all violations.

(2) plead NOT GUILTY to any or all violations.

(3) enter a NO PLEA to any or all violations. No Plea is neither a "guilty" or "not guilty" plea, but allows prisoners to explain the circumstances surrounding the infraction, and allows the Board to determine the guilt or innocence of the prisoner. NOTE: If the prisoner fails to enter a plea to a charge, the Board Chairperson directs the recorder to enter a plea of "NO PLEA."

d. Board Findings. Once all relevant and available evidence has been presented, the Board reconvenes in a closed session to consider all facts, reasonable inferences/deductions and conclusions. The Board may enter one of the following findings per 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 will be entered as "Acquitted."

(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."

(4) 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 (ASPI).

e. Prisoners shall be allowed to call witnesses for the presentation of relevant testimony and to present documentary evidence in their defense, unless good order or security of the confinement facility would be adversely affected. Where good order or security of the confinement facility would be adversely affected, the identity of witnesses shall not be revealed to the prisoner. All denials will be fully documented.

f. In all cases the prisoners shall be allowed to appear and make statements in their defense and to be present during all open sessions of the hearings.

g. There is no right to the appearance of counsel during the hearing. 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. In actions where the prisoner is illiterate or where unusually complex issues exist, it is recommended that a knowledgeable staff member be assigned

to explain the issues and procedures and provide guidance as necessary.

6. Legal Procedures. When appearance before a D&A Board is required, the prisoner suspected of the offense shall receive written notice stating the following:

- a. Violation(s) charged.
- b. The prisoners have the right to a minimum of 24-hours notice of the charges prior to the D&A Board convening. (If prisoners are scheduled for release from confinement before the expiration of the 24-hour period, they may be required to appear before the D&A Board prior to expiration of the 24-hour notification period.)
- c. The right to consult with an attorney, by not necessarily a specific attorney, before the convening of the Board. There is no right of representation by an attorney during the board proceedings.
- d. The right to present relevant evidence at the hearing, both in defense and in extenuation and mitigation. A prisoner also has the right to request the presence of accusers and merit witnesses, as well as present questions to accusers and witnesses through the Chairperson of the Board.
- e. The right to be present for all open sessions of the D&A Board hearing, unless the respondent declines to appear or is removed for misconduct. Any absence will be noted in the summarized record and supported by appropriate documentation to establish the circumstances of declination or removal for cause.
- f. Prisoners charged with a confinement facility violation may seek legal counsel. Legal counsel is limited to assisting the prisoners prior to representing themselves at the D&A Board, since legal counsel is not authorized at a D&A Board. Legal defense services can assist prisoners in preparing a request to review the evidence and statements prior to the D&A Board. Prisoners may request a delay in the hearing by submitting a written request to the D&A Board Chairperson. Reasons for the request must be fully explained and warranted before being granted.

g. Disposition of adverse reports is accomplished by taking any of the following actions:

- (1) Filing the DR without action.
- (2) Filing the DR as an unfavorable Incident/OR in the prisoner record.
- (3) A hearing under reference (a), article 72 to vacate a previously suspended court-martial sentence.
- (4) Referral to a D&A Board.
- (5) Recommendation for non-judicial punishment.
- (6) Recommendation for trial by court-martial.

7. Appeals

a. Imposed disciplinary or management actions may be appealed to the CO/OIC. D&A Board cases not resulting in disciplinary or management action as listed above are final and not subject to appeal.

b. Appeals must be submitted within 3 working 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 necessitate the delay. The CO/OIC shall review the request and grant delays where warranted, however, a delay is not automatic.

c. An appeal must have substantive merit, or it is returned without further action. Appeals must be based upon showing that findings of the Board were in error, the hearing did not comply with applicable requirements, or the corrective actions were too severe.

d. Approved D&A Board recommendations are ordered into immediate execution without regard to appeal action. All actions shall be concurrent.

e. Prisoners are provided written notification of appeal results, normally within 30 days of the date received by the CO/OIC.

f. Prisoners may appeal finalized actions to the CO's/OIC's Immediate Superior In Charge (ISSC).

8. Category of Offenses and Punishment

a. 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 are 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 CO/OIC 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.

b. The maximum recommended disciplinary and management actions for each category of offense are contained within article 5103. A definition of each offense is contained within article 5104.

5103. CONFINEMENT FACILITY OFFENSES WITH ASSOCIATED CATEGORIES AND AUTHORIZED ADMINISTRATIVE DISCIPLINARY AND MANAGEMENT ACTIONS

1. Category I

a. Offenses

(1) Aiding another (of Cat I offenses).

(2) Attempt (of Cat I offenses).

(3) Being unsanitary or untidy.

(4) Communications tampering.

(5) Loitering.

(6) Running.

b. Disciplinary Actions

(1) Reprimand.

(2) Forfeiture of 30 days recreation privileges.

(3) 14 days extra duty (not to exceed (NTE) 2 hours per day).

(4) Forfeiture of 14 days GCT.

(5) Vacation of any previously suspended actions.

(6) DS (15 days maximum).

c. Management Actions

(1) Suspension of any above actions NTE 180 days.

(2) Detail/housing unit change.

(3) Other recommendations considering extenuating circumstances and the violation

2. Category II

a. Offenses

(1) Aiding another (of Cat II offenses).

(2) Attempt (of Cat II offenses).

(3) Cell alteration.

(4) False statement.

(5) Malingering.

(6) Medicine misuse.

- (7) Rations misuse - personal.
- (8) Rules violation.
- (9) Staff harassment.
- (10) Suffering loss of property.
- (11) Unauthorized ordering.

b. Disciplinary actions

- (1) Reprimand.
- (2) Forfeiture of 45 days recreation privileges.
- (3) 14 days extra duty (NTE 2 hours per day).
- (4) Forfeiture of 30 days GCT.
- (5) DS (30 days maximum).
- (6) Forfeiture of H&Cs NTE 25 percent of monthly allotment.

c. Management actions

- (1) Suspension of any above actions NTE 180 days.
- (2) Detail/housing unit change.
- (3) Reduction in custody level, no lower than Medium Custody In (MDI).
- (4) Other recommendation considering extenuating circumstances and the violation.

3. Category III

a. Offenses

- (1) Academic misconduct.
- (2) Aiding another (of Cat III offense).

- (3) Assault (threatening).
- (4) Attempt (of Cat III offense).
- (5) Breach of peace.
- (6) Contact between male and female prisoners.
- (7) Conduct which threatens.
- (8) Disobedience.
- (9) Disorderly conduct.
- (10) Gambling.
- (11) Indecent exposure.
- (12) Larceny.
- (13) Mutilation.
- (14) Non-support of dependents.
- (15) Prohibited property.
- (16) Provoking words or gestures.
- (17) Rations misuse - confinement facility.
- (18) Trafficking.
- (19) Unauthorized contact with staff members, former staff members, or former prisoners.
- (20) Unauthorized use of mail or telephone, unauthorized writing.

b. Disciplinary actions

- (1) Reprimand.
- (2) Forfeiture of 60 days recreation privileges.

- (3) DS (NTE 30 days).
- (4) 14 days extra duty (NTE 2 hours per day).
- (5) Forfeiture of 90 days GCT/ET Abatement.
- (6) Forfeiture of H&Cs NTE 25 percent of monthly allotment.

c. Management actions

- (1) Suspension of any above actions NTE 180 days.
- (2) Detail/housing unit change.
- (3) Reduction in custody/level to MAX custody.
- (4) Other recommendations considering extenuating circumstances and the violation.

4. Category IV

a. Offenses

- (1) Aiding another (of Cat IV offenses).
- (2) Assault.
- (3) Assault consummated by battery.
- (4) Attempt (of Cat IV offenses).
- (5) Bribery/solicitation.
- (6) Communicating a threat.
- (7) Counterfeiting.
- (8) Damaging or destroying property.
- (9) Disrespect.
- (10) Extortion.

(11) Funds manipulation (unauthorized transferring or receiving of funds).

(12) Interfering with count.

(13) Larceny.

(14) Lock tampering.

(15) Out of place.

(16) Possession of stolen property.

(17) Profiteering/racketeering.

(18) Rules violation (includes the terms of trusty or MIN pledges or work release).

(19) Sexual misconduct.

(20) Violation of reference (a).

b. Disciplinary actions

(1) Reprimand.

(2) Forfeiture of 60 days recreation privileges.

(3) 14 days extra duty (NTE 2 hours per day).

(4) DS (indefinite, normally NTE 60 days in any one period).

(5) Forfeiture of all GCT/abatements.

(6) Forfeiture of H&Cs NTE 25 percent of monthly allotment.

c. Management actions

(1) Suspension of any above actions NTE 180 days.

(2) Detail/housing unit change.

(3) Reduction in custody level to Max custody.

(4) Other recommendations considering extenuating circumstances and the violation.

5. Category V

a. Offenses

(1) Aiding another (of Cat V offenses).

(2) Arson.

(3) Assault (on a staff member).

(4) Assault consummated by battery (on a staff member).

(5) Attempt (of Cat V offenses).

(6) Disrespect (to a commissioned officer).

(7) Escape.

(8) Intoxicants.

(9) Possession, introduction, or use of a weapon.

(10) Resisting force cell moves.

(11) Violation of reference (a).

b. Disciplinary actions

(1) Reprimand.

(2) Forfeiture of 60 days recreation privileges.

(3) 14 days extra duty (NTE 2 hours per day).

(4) DS (indefinite, normally NTE 60 days in any one period).

(5) Forfeiture of all GCT/abatements.

(6) Forfeiture of H&Cs NTE 25 percent of monthly allotment.

c. Management actions

(1) Suspension of any above actions NTE 180 days.

(2) Detail/housing unit change.

(3) Reduction in custody/level to Max custody.

(4) Other recommendations considering extenuating circumstances and the violation.

5104. CONFINEMENT FACILITY OFFENSES. 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 (c), and other regulatory guidance applicable to confinement may be made available to prisoners. The below list describes some of the offenses. This is not a complete list of offenses for which prisoners may be disciplined. Reference (a) also applies to all military prisoners housed in confinement facilities.

1. 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.

2. 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 level of offense will be the same as the prohibited act.

3. Arson (Category V offense). Igniting any item, which could cause personal injury or damage to any property.

4. Assault (Category III, IV, and V offenses). 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 with a weapon or consummated by battery. Category V offense, if against a staff member or commissioned officers.

5. 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.
6. 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.
7. 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.
8. 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 confinement facility.
9. Bribery/Solicitation (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. This offense also includes bribing or soliciting civilian and military personnel while in the performance of their official duties.
10. 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, or affixing shading devices to lights.
11. Communicating a Threat (Category IV 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.
12. Communications Tampering (Category I offense). Tampering with any part of a radio jack, headset, television, telephone, etc.

13. Conduct Which Threatens (Category III offense). Any conduct which interferes with the orderly running, safety, good order and discipline, or security of the confinement facility.

14. 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 confinement facility programs. Written correspondence is covered in the unauthorized writing rule. Female and male prisoners will not socialize during fellowship times at religious services or gatherings.

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

16. Damaging or Destroying Property (Category IV 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., confinement facility operating instruction, identification badges, cell furnishings, clothing, and all equipment). This offense also includes marking, defacing, or destroying any posted instructions/orders.

17. 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.

18. 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 confinement facility (e.g., throwing things on the floors, or flooding the facility by any means).

19. Disrespect (Category IV and V offenses). Being disrespectful in language or actions toward or about any member

of the military service confinement staff or commissioned officers, or other person of authority.

20. Escape (Category V offense). Leaving custodial control, including departing the confinement facility or detail under escort, or job site without proper authority.

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

22. False Statement (Category II offense). Lying to a staff member about an official matter, either verbally or in writing. Signing or printing the name of another on any official document without authority of confinement staff. Any prisoner who, with intent to deceive, signs any false record, return, order, regulation, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false, is guilty of this offense.

23. Funds Manipulation (Category IV 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.

24. 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.

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

26. Interfering with Count (Category IV offense). Delaying or interfering with count. Prisoners will have 3 minutes to move to their cells or areas when lockdown is ordered. They will position themselves so they are readily visible to the staff member conducting count. Cell lights will remain on during count (except during normal sleeping hours).

27. Intoxicants (Category V offense). Possession, introduction, manufacture, or use of any narcotic, narcotic paraphernalia, drug, or intoxicant not prescribed by the medical staff.

28. Larceny (Category III or IV offense). The taking of any property (Category III - Personal or Category IV - Government owned) without authority.

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

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

31. Malingering (Category II offense). Self-inflicted injury, or faking an injury or sickness (includes abuse of sick call), for purposes of avoiding any responsibility, requirement, or an order.

32. Medicine Misuse (Category II offense). Use, possession, or storage of medicine, except as authorized by the confinement medical staff. Failure to take medication as prescribed by confinement medical staff.

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

34. Out of Place (Category 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. Simply stated, 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.

35. 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).

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

37. Profiteering/Racketeering (Category IV offense). The loaning, buying, selling, transferring, receiving, lending of property, or anything of value for profit or increased return.

38. Prohibited Property (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 O, or authorized representative, to possess any item not authorized by this instruction. Any item not specifically authorized and found in a prisoner's possession while outside the housing unit will 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.

39. 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.

40. Rations Misuse - Confinement Facility (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.

41. Rations Misuse - Personal (Category II offense). Use of any H&C items or other personal rations for other than their intended purpose.

42. Resisting Forced Cell Moves (Category 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 the teams, attempting to grab team members while in the performance of their duties, etc.

43. Rules Violation (Categories II and IV offenses). Violation of any posted or published confinement facility 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 trusty pledges, visitation rules, and requirements not otherwise specified as institutional offenses.

44. Running (Category I offense). Running anywhere inside the confinement facility is prohibited, except as appropriate when engaged in authorized recreational activities, or as part of the confinement-training program.

45. Sexual Misconduct (Category IV offense) Soliciting, threatening, or engaging in sexual or lewd conduct with another.

46. 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 will be considered staff harassment, when directed to a staff member or to another, and overheard or observed by a staff member.

47. 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.

48. Trafficking (Category III offense). Selling, buying, trading, giving, receiving, or lending any item within the confinement facility is prohibited except as specifically authorized by the proper authority.

49. Unauthorized Ordering (Category II offense). Purchasing or ordering goods or services that are not authorized, or

purchasing or ordering goods or services in a manner that is prohibited.

50. Unauthorized Contact with Staff Members, Former Staff Members, or Former Prisoners (Category III offense). Any contact or communications by a prisoner with confinement staff members, other than during the normal course of duty performance, or during a confinement facility sponsored activity, is prohibited. Prisoners are also prohibited from communicating with, or having contact with prisoners confined in other institutions, former prisoners, or former staff members, except as authorized in advance through a request by the prisoner concerned to the BRIG O.

51. Unauthorized Use of Mail or Telephone (Category III offense). Using the mail or telephone for unauthorized purposes as specified by law, regulation, or confinement facility rules.

52. 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 confinement facility by encouraging strikes, riots, fights, racial or religious hatred, or other prohibited acts. Written correspondence between prisoners is also prohibited, to include correspondence with former prisoners and prisoners in other institutions (civilian or military). Correspondence with staff or former staffs, except as authorized by the BRIG O, is prohibited.

53. Violation of reference (a) (Category IV and V offenses). Violation of any punitive articles of reference (a), regardless of whether the misconduct violates a confinement facility rule. Category V if the violation meets the specifications for any Category V offense.

5105. AUTHORIZED DISCIPLINARY ACTIONS

1. If appropriate, prisoners may be recommended to their parent CO for punishment under reference (a), article 15, or trial by courts-martial.

2. CO/OIC (NAVCONBRIG XO in cases of minor punishments) may impose any of the applicable disciplinary and management actions per article 5105.3 upon any person, including members of other

military services, confined in the facility. Suspension of any disciplinary actions for a probationary period, not to exceed 6 months, is authorized.

3. One or more of the following disciplinary actions may be imposed on a prisoner for misconduct:

- a. Administrative reprimand or warning.
- b. Full or partial loss of privileges. The privileges subject to DA are those established to encourage good conduct.
- c. Extra duty. Extra duty 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.). Extra duty shall be limited to 2 hours per day for a maximum of 14 consecutive days and shall consist of constructive and useful work. Extra duty shall not be served on Sundays and holidays, although they count in the computation of the period for which such punishment is imposed.
- d. Forfeiture of GCT/ET/SAA. Any or all of the prisoner's GCT/ET/SAA, to include that GCT administratively credited for pretrial confinement, may be forfeited. All GCT and abatement allowances earned up to the date of violation may be forfeited. Except for time forfeited for parole violations, COs/OICs of the confinement facility may subsequently restore GCT/ET/SAA forfeited by themselves or another CO/OIC. Forfeiture resulting from escape also shall not be restored.
- e. Disciplinary Segregation (DS). DS shall be imposed in those cases considered serious from the institutional standpoint, but which may not be initially referred for action under reference (a), article 15, or courts-martial. Prisoners serving DS shall remain in their assigned cells except as noted below. Assignment to DS does not automatically warrant a reduction to maximum custody.

(1) DS shall be served in a single occupancy cell, where the prisoner cannot communicate with unauthorized personnel, and most privileges (specifically identified) shall be denied. Prisoners shall remain in their cells at all times except as specified below or when specifically authorized by competent

authority. They shall not be taken out of the cells 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 not participate in recreational activities, but may be entitled to a sunshine call if conduct warrants.

(2) CO/OIC is authorized to impose a special diet in conjunction with DS. DSSD shall only be imposed when expected to create a positive effect and shall not be used as a routine adjunct to DS. Certification by the medical officer prior to imposing DSSD is required to document that this additional measure shall not adversely affect the prisoner's health. This documentation shall be filed in the prisoner's file. The mess officer shall document the amount of calories for each meal and special diets shall consist of three meals daily to provide not less than 2,100 calories daily. All items of the regular daily ration shall be included except sweets and desserts. Normal standards of preparation and service of food shall be maintained. Water shall be the only drink. DSSD may not exceed 15 days. Termination of DS automatically terminates special diet.

(3) Prisoners in DS shall be permitted to receive mail and write letters, and at the discretion of the CO/OIC/CPOIC, to receive personal visitors. Official visits shall be permitted at the confinement facility. Under no circumstances shall a prisoner in DS be precluded from corresponding or consulting with counsel and corresponding with the privileged correspondents.

(4) Meals shall be served in the cells.

(5) A 1-hour exercise period and 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.

(6) DS shall not exceed the limits authorized per article 5103 and shall be terminated as soon as the prisoner demonstrates that segregation has served its purpose. However, the CO/OIC shall, at a minimum, review all prisoners in a DS status each 15 days. Duration of confinement in DS shall be

determined by, and take into account, any improvement in the prisoner's conduct and attitude.

(7) CO/OIC or designee, and a member of the medical staff shall visit each prisoner in DS daily, log such visits, and recommend a change in status to the CO/OIC when it is considered segregation has served its purpose

(8) A DD 509, Inspection Record of Prisoner In Segregation, shall be maintained adjacent to each prisoner's cell in DS.

(9) Prisoners released from DS shall normally be placed in MDI.

e. Preceding disciplinary actions are specific as to those a prisoner may receive and by whom they may be administered. Adding to or making adjustments of legally administered punishment is prohibited.

5106. ADMINISTRATION

1. Prisoner Record

a. Copies of all investigations and D&A Board proceedings, unless dismissed, shall become a part of the prisoner's file. The prisoner's conduct record shall show dismissals with no details.

b. CO/OIC/CPOIC shall maintain a record of all disciplinary actions for each prisoner. To the largest extent possible, such record shall be populated within the CORMIS or its automated equivalent.

2. Disciplinary Log

a. A disciplinary log shall be maintained to record each DR and the action taken by the CO/OIC or XO as applicable. If approved in advance by NAVPERSCOM (PERS-68), an automated log is authorized.

b. The log shall contain chronological entries showing the date of the offense, date of the D&A board, the prisoner's name, social security number, a brief statement of the offense, the

name of the person making the report, and the punishment imposed.

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

d. All logs maintained by the facility shall be bound ledgers with consecutively pre-printed numbered pages.

e. The disciplinary log shall be retained for 2 years from the date of the last entry and then destroyed.

5107. TRAINING. CO/OIC/CPOIC shall ensure all staff and prisoners are fully aware of the discipline program.

1. Instructions concerning the elements of GCT, discipline program, as well as prisoner responsibilities, shall be thoroughly explained in the reception phase.

2. Orientation of the discipline program shall be included in pre-service/in-service training and annually thereafter for all staff personnel.

5108. FORMS. DD 2714, Inmate Disciplinary Report; and DD 2713, Inmate Observation Report are available at <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

SECTION 2. GENERAL REQUIREMENTS

5201. PERSONAL APPEARANCE

1. Prisoners shall be clean, neat, well-groomed, and afforded the opportunity shower daily, unless conduct warrants otherwise. Article 5105.3e(5) of this manual applies.

2. Except for a facility badge, prisoners shall wear their service uniforms in the manner prescribed or, when directed service wide, wear authorized prisoner uniforms. Pretrial prisoners in Navy confinement facilities (both officers and enlisted) shall not wear metal rank insignia while confined in the facility except for courts-martial appearances; they shall be authorized to wear their cloth grade insignia on their

working uniform if their working uniform allows for such. Post-trial prisoners shall not wear rank insignia while confined in a naval confinement facility.

5202. Grooming Standards. Prisoners confined in military correctional facilities shall be subject to the rules and regulations, to include standardized uniform, grooming and hygiene standards, of the facility, regardless of the service affiliation or the prisoner. Pretrial prisoners shall wear their hair per current grooming regulations of the prisoner's service. Haircuts shall not be administered for the purpose of harassment or humiliation, but only to ensure a uniform, military appearance. Facial hair is not authorized for post-trial prisoners or correctional custody awardees. Policies regarding grooming standards for post-trial and discharged prisoners shall be published separately by NAVPERSCOM (PERS-68) and CMC (PSL Corrections).

CHAPTER 6
CORRECTIONAL PROGRAMMING

SECTION 1. PROGRAMMING POLICIES

6101. GOALS OF THE CORRECTIONAL PROGRAMS. Goals of naval correctional programs are

1. to restore maximum number of prisoners to active duty at the earliest possible time for offense-free service.
2. to provide prisoners returning to civilian life with whatever resources are available to make a successful reentry.
3. ideally to emulate a well run military environment with staff personnel fulfilling leadership roles and acting as positive influences. A traditional form of military management divides a large operation into subunits or sections and gives the unit leader authority to carry out certain assigned functions. This management style, involving all confinement facility staff, is highly recommended to facilitate meeting program goals.

6102. LEGAL IMPLICATIONS OF PROGRAMMING

1. Prisoners shall not be coerced into revealing information about their personal lives, which may be needed for classification, counseling, or programming.
2. Individual's rights as stated in 5 U.S.C., section 552a are to be protected. A Privacy Act (PA) Statement shall be provided to new prisoners as they enter the reception phase and are asked to provide personal information. The form will be filed in their prisoner record. Reference (n) will be followed and information maintained on prisoners shall conform with requirements set forth in PA Systems Notice NO1640-1 (appendix B).
3. A prisoner shall attend all programs which are part of the daily routine/plan of the day. The restoration program is mandatory for all personnel returning to duty, and the pre-release program is mandatory for personnel returning to civilian life.

6103. MINIMUM ACCEPTABLE PROGRAM REQUIREMENTS

1. Per reference (s) , following minimum levels of programs are established:

a. All confinement facilities (core programs). PT; recreation; individual counseling; group counseling; work; incentive; life skills; and religious.

b. Level I. Core programs plus, academic education; drug and alcohol education; and crisis intervention.

c. Level II and III. Core and Level I programs plus, victim impact; stress and anger management; sex offender/violent offender treatment program access; vocational; functional skills testing; remedial education; and high school level education classes or GED.

2. Commands operating confinement facilities shall establish and conduct, or maintain the capacity for conducting, the minimum acceptable programs for the level of their facility. Commands are encouraged to exceed these requirements to the maximum practical extent of the resources available or which can be made available from the surrounding military or civilian communities. NAVPERSCOM (PERS-68) and CMC (PSL Corrections) specify other required programs in separately issued confinement facility and correctional custody instructions. In addition, NAVPERSCOM (PERS-68) or CMC (PSL Corrections) shall establish a system to evaluate corrections programs. Evaluation shall provide management information to ensure efficiency and effectiveness of the corrections process.

3. NAVPERSCOM (PERS-68) and CMC (PSL Corrections) shall monitor the existence and performance of these programs and, at least every 3 years, assign program adequacy classifications following on-site review and technical assistance visits. Program adequacy classifications are as follows:

a. Class 1. All required programs are in effect and additional mission-oriented programs are available.

b. Class 2. Required programs are in effect.

c. Class 3. Required programs are not in effect. Corrective action is required.

SECTION 2. RECEPTION PROGRAM

6201. BASIC ELEMENTS

1. All confinement facilities shall conduct a reception program. At a minimum, the program shall cover subjects in paragraph 4 below. The spirit in which it is carried out can determine prisoners' reaction to the overall program. Feelings of hostility and resentment can be replaced by respect for authority if it is administered in a fair but firm manner. The process includes immediate action on new prisoners' problems identified through prompt preparation of, and action upon, DD 2710, Inmate Background Summary.

2. The reception program includes admission processing, orientation, and initial screening for custody, work, and program participation. Interviews by key staff members shall be accomplished during this phase. Some processing can be accomplished in a group situation. Prisoners are most impressionable when first confined and are apt to be emotionally upset and worried. 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. Program shall include interviews with staff members, initial evaluation and custody classification, and instruction in local regulations. During reception, new prisoners shall be quartered apart from the general population to the greatest extent practicable.

3. During reception, detainees shall be given their article 31(b) rights prior to any attempt to identify what caused the detainee to allegedly offend. Prisoners (post-trial) do not require such rights. Efforts shall be made to identify what caused prisoners to offend, the programs available to help them solve their own problems, and the local resources available. Any information provided in counseling sessions by prisoners must be on a purely voluntary basis. Detainees may be assigned to any program that will assist them in adjusting to being incarcerated.

4. Following are required topics for indoctrination:

- Purpose of correctional program
- Chain of command/organization
- Inspections
- Work and training opportunities
- Military courtesy and conduct
- Contraband
- Escape and attempted escape
- Interviews and requests
- Explanation of sentence and transfer requirements
- Red Cross assistance
- Emergency leave and telephone calls
- Clemency and parole opportunities
- Mail and visiting
- Custody classification, including incentives
- Daily routine
- Fire and disaster bills
- Education opportunities
- Religious program and worship services
- Authorized purchases
- Function of various boards
- Medical and dental services
- AIDS information
- Rules & regulations
- Restoration program
- Mental health and self-help programs

5. Military and motivational training shall be started during this phase, to include military courtesies, moral guidance, personal adjustment, and citizenship training.

6. Completion of reception will be documented in the prisoner file per local policy.

6202. INITIAL CLASSIFICATION

1. An initial custody classification of MDI will be assigned except when MAX is required due to special circumstances. Naval confinement facilities shall also be guided by the objective classification program.

2. Upon completion of the reception process, the BRIG O may assign an interim custody classification pending the next meeting of the C&A Board.

3. In Navy confinement facilities, initial processing shall include assessment of all prisoners using AIMS (see article 4202.7).

SECTION 3. PROGRAMS

6301. DEFINITION AND POLICY

1. Definition. Confinement facility program is the aggregate of all resources used to encourage constructive change in the prisoners.

2. Policy. It is DON policy that confinement facilities provide a climate conducive to positive change, with programs tailored to the needs of prisoners and the service, and a system which recognizes and rewards acceptable behavior while disciplining unacceptable behavior. Confinement facility program recognizes the critical role of the staff members as role models of successful behavior.

6302. PROGRAM SCHEDULING

1. To the greatest extent practicable, specialized programs shall occur after prisoners' working hours. Working hours of counselors and program staff, both military and civilian, will coincide with this schedule.

2. Availability of resources may dictate that a few special programs be conducted during the normal workday, but such scheduling shall be kept to a minimum in order not to reduce the required work hours.

3. A program plan shall be developed based on needs of prisoners and resources available at the facility to provide maximum benefit to the service.

4. Scheduling shall be designed to reflect a 40-hour prisoner work week. Specialized programs, as designated by NAVPERSCOM (PERS-68) or CMC (PSL Corrections), may be substituted for work hours.

6303. FUNCTION OF THE CLASSIFICATION AND ASSIGNMENT (C&A) BOARD

1. A C&A board shall be established at each confinement facility and shall be responsible for establishing the individual prisoner's program upon completion of orientation. Board is concerned with custody, work assignment, special training, and other phases of corrections. Board shall insure each prisoner, working with a counselor or case manager, has begun to develop specific goals of both a short and long-term nature. This board shall be composed, at a minimum, of the next senior staff member to the CO/OIC, BRIG O, CPOIC, or designated representative, one senior staff member from security, one from programs, and any other members appointed by the CO/OIC. At consolidated brigs, a mental health specialist and chaplain shall be assigned. In larger confinement facilities, C&A board may be established at the unit level where the prisoner is berthed.

2. Where practicable, and not assigned to the facility staff, representatives from outside the confinement facility, including staff specialists, such as a psychologist or chaplain, may be appointed to the board. Board shall meet at least weekly, or more often if necessary, to review prisoner program plans and determine whether changes in programs, custody, etc., are appropriate. Prisoners may appear before this board to discuss their program or changes thereto if considered necessary. Board's recommendations shall be recorded and signed by the CO/OIC, BRIG O, or CPOIC as approving officer. When circumstances indicate necessity for immediate action, the CO/OIC, BRIG O, or CPOIC may make changes in custody, classification, etc., without board action. Changes shall be a part of the agenda of the next C&A board meeting.

3. When prisoners complete the orientation phase, the C&A board shall make an initial determination of whether restoration is applicable. Where restoration is appropriate, prisoners shall be assigned to a restoration program and entered into activities to enhance their value to the service.

4. Prisoners initially considered not to have a potential for further service shall be assigned to a program to prepare them for civilian life.

5. Prisoners may be changed from one program to another as the situation dictates.

6. Although the C&A board does not directly order a prisoner into a specific correctional program, except for short periods of orientation or for motivational purposes, it does authorize assignment to a program based on needs of the service, prisoner's desires, and counselor's recommendation. All individual program changes shall be approved by the board and appropriate notations made in the prisoner's file.

6304. DISPOSITION BOARD

1. Duties. Disposition board evaluates prisoner progress and makes recommendations for restoration, clemency, parole, separation, or other action deemed necessary. Primary concern shall be whether or not further confinement will benefit the service and the prisoner. If not, the board shall recommend the prisoner's return to duty or discharge. In the case of Navy prisoners confined in Navy confinement facilities, if the recommendation is for return to duty, the servicemember's CO will assure that a service record entry is made to this effect, warning the individual any future disciplinary involvement will result in administrative separation processing. Each parole applicant is entitled to a personal hearing before the board per article 508d of reference (e). In cases other than parole hearings, the decision to allow an appearance by a prisoner lies within the sole discretion of the board. Prisoners need not appear unless it is considered to be of value to the prisoners or the board, or to afford the prisoners the opportunity to defend them against unfavorable information. Board may also recommend changes in custody, program, work assignment, or training. Reviews shall be scheduled in a timely manner so administrative separation processing, if required, will be completed while the individual is in confinement. Board recommendations will be provided using DD 2715-1, Disposition Board Recommendation.

2. Membership. Formal appointments shall be established for membership of the board and its meeting times. At a minimum, the disposition board shall be composed of a member from Transient Personnel Unit (TPU) (Navy), a mental health specialist where available, and an officer or senior enlisted member from the confinement facility (Navy). Disposition board

may also be composed of senior officers, senior enlisted, senior civilians, and any other members directed by the CO/OIC. A minimum of three members must be present at each meeting. Board recorder will be assigned or appointed by the facility CO/OIC. Presiding member shall be as directed by the CO/OIC. CO/OIC shall indicate in writing concurrence or non-concurrence with board's recommendation.

3. Clemency and Parole Recommendations

a. Clemency and parole recommendations will be forwarded to the appropriate military service Clemency and Parole Board per the appropriate military service clemency and parole regulations.

b. Clemency requests for U.S. Coast Guard (USCG) prisoners. There is no automatic clemency review for USCG prisoners. Upon completion of all legal reviews, Commandant will request a DD 2715/2715-1/2/3, Clemency and Parole Submission and a recommendation from the Naval Clemency and Parole Board (NCPB). NCPB shall contact the confinement facility for a progress report. The facility shall only conduct a review for a USCG prisoner for clemency consideration when there has been a positive initiative by the unit or the counselor to recommend clemency. Forward board recommendations to the Commandant USCG via the NCPB. Prisoner shall be told this is a non-binding report. Any time USCG prisoners desire to initiate a clemency request, they shall be referred to USCG Appellate Counsel for advice and coordination at (202) 267-0272.

c. When a parole recommendation is based on limited observation, the board shall indicate this in the progress report. Prisoners who have difficulty preparing a viable parole plan in less than 6 months may either submit an inadequate parole plan at the 6-month point or delay submission until they have a satisfactory parole plan. This is the prisoner's option and any delay shall not be extended so as to deny NCPB adequate time to hear the case prior to release or release planning.

4. Progress Report Submission. Progress reports will be submitted per the military services' current clemency and parole regulations. For Navy/Marine Corps and USCG, refer to reference (e); for Army, AR-15-130; and for Air Force, AFI-31-205.

6305. COUNSELOR/PROGRAM DEVELOPER/CASE MANAGER ROLE IN CORRECTIONAL PROGRAMMING

1. Counselors/program developers/case managers shall be aware of locally available programs and their potential for correction of a given individual. Counselors/case managers shall discuss these with prisoners and recommend a program schedule tailored to the individual's immediate and long-range needs, goals, and plans.

2. Counselors, through the use of individual counseling sessions and feedback provided by other personnel shall monitor a prisoner's progress. This information will be used to make recommendations to appropriate boards in the housing unit or confinement facility. Larger confinement facilities shall assign a staff member full time to monitor prisoner's program progress.

6306. PROGRESS EVALUATION. A prisoner's progress can be measured effectively by reporting procedures required by this manual. Counselors/case managers shall combine feedback from the academic instructor, chaplain, work supervisor, and others to present a total evaluation to the C&A or disposition board as appropriate.

6307. INDIVIDUAL COUNSELING

1. Prisoners shall be assigned a counselor and case manager at Navy consolidated brigs. This shall be a trained senior enlisted person or trained civilian upon whom they can rely for assistance and personal guidance.

2. Individual counseling commences with the initial interview, which must be conducted the first working day after entering confinement, continues through the pre-release interview, and shall occur at least weekly for 20-60 minutes for Level I prisoners and biweekly for Level II prisoners, depending on the prisoner's problems and needs. All counseling shall be documented on DD 2719, Continuation Sheet or in CORMIS.

3. CO/OIC, BRIG O, or CPOIC shall involve quarters supervisors in guidance functions. With training in directive-type and reality-styled counseling techniques, these staff members could 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 would still have overall counseling responsibilities for prisoners assigned to them, but could concentrate on in-depth counseling of personality problems and group counseling. This can be done with a unit management approach to operating the confinement facility.

4. At a minimum, following documentation will be used to record results of individual counseling and will be filed in the prisoner's record.

- a. DD 2710, Inmate Background Summary.
- b. DD 2715-2, Inmate Summary Data.
- c. DD 2719, Continuation Sheet.

5. In naval confinement facilities, each staff member providing counseling will maintain an individual log listing every individual and group counseling contact and indicating length/location/type of counseling and key topic title. These logs will be used by the CO/OIC, BRIG O, CPOIC, and programs officer, and during inspections for quality assurance and assessment purposes.

6308. GROUP COUNSELING/THERAPY

1. Groups are divided into two distinct types: formal therapy groups under the direction of a professional, and group counseling sessions conducted by the correctional counselors or qualified volunteers. Groups allow individual prisoners to interact with their peers in a guided manner and thereby learn coping skills. Formal curriculum shall be utilized to facilitate offense-related groups, e.g., "Crossroads" or National Institute of Corrections "Thinking for a Change."

2. Groups shall meet weekly for a specified period of time, usually 1-2 hours. Constant turnover experienced by most facilities 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.

3. Proper training in-group counseling techniques shall be a part of the formal in-service training of each counselor/discussion leader.

4. Group counseling sessions will be documented and results of group counseling shall be recorded on DD 2719, Continuation Sheet, and placed in the prisoner's file.

6309. WORK PROGRAMS

1. In order to increase productive utilization of prisoner labor, local commanders will ensure productive work is made available ashore and on-board ship. Those units desiring prisoner working parties will submit their requests to the confinement facility; work supervisors will ensure work to be performed is worthwhile and constructive. Confinement facility may require the requesting unit provide trained escorts and transportation to and from the work sites. Confinement facility shall provide training for escorts. Discretion must be exercised in assigning prisoners to many types of jobs, and appropriate supervision must be provided. Suitable work for prisoners includes maintenance and repair of the facility, 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. Duties that are for exclusive benefit of a private individual or private organization, including individual staff members of the confinement facility (i.e., non-official business).

c. Work that is inherently dangerous or hazardous to the prisoner, except in emergency situations.

d. 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.

e. Prisoners shall not be required to observe duty hours or training schedules devised as punitive measures, except as provided for under administrative punishments.

3. Employment of Pretrial Detainees. It is necessary to recognize the difference in status of detainees (see article 7103.1a). Since the corrections program is rehabilitative and corrective in nature rather than punitive, detainees may be assigned to participate in program activities with prisoners under the following circumstances:

a. Classroom instruction and other training activities, not designated as punitive.

b. Various police, fatigue, and work details which may be assigned to duty personnel in the maintenance and operation of the command, and which are not designated as punitive.

c. Except as provided for above, detainees must work separately from prisoners.

4. Employment of Different Custody Classification Prisoners. Prisoners may be mingled on a given assignment, regardless of custody classification. If assignment is outside the facility, supervision shall be furnished as required for the highest custody classification represented (normally MDO).

6310. ACADEMIC EDUCATION PROGRAM. An academic education program will be made available to all prisoners in confinement facilities that routinely hold prisoners in excess of 3 months.

6311. RESTORATION PROGRAM. All confinement facilities shall establish a restoration program, organized and equipped, to provide selected offenders training, with a view toward their honorable restoration to duty or possible reenlistment. NAVPERSCOM (PERS-68) and CMC (PSL Corrections) shall publish implementing policy by separate instruction.

6312. INCENTIVE PROGRAM. A system of incentives shall be provided to encourage positive behavior. Incentives shall

recognize both group and individual attainment. Awarding of incentives for prisoners shall be accomplished on a stringent and selective basis. Ultimate goals are to build self-discipline in the individual, reward positive behavior, and improve functioning of the confinement facility.

1. Incentive awards will be firmly grounded in the philosophy that prisoners will clearly earn every incentive they receive above the minimum requirements of this instruction. Absence of an incentive program is preferable to a poorly or loosely run program. Incentives will be awarded based on measurable performance and may change on a weekly basis. Incentives will not be tied to a custody classification. Incentives are expected to be earned with effort and lost quickly due to poor performance or behavior.

2. Incentives will not be awarded absent a basic level or satisfactory performance on assigned work details and inspections, as well as offense-free behavior. Groups may also be evaluated on such items as the number of group observation reports, and group incentives may be based on competition or on achieving a pre-set standard, as local needs dictate.

3. Incentives may be earned, on an individual basis, for such areas as:

a. Outstanding performance at a personnel or property inspection.

b. On-going superior performance on job assignment(s).

c. Performance of work beyond that required.

d. Individual attainment, e.g. completion of rate study, correspondence course.

e. Compliance with, and active participation in, prisoner's individual program plan.

4. Group incentives may be earned for such areas as:

a. Superior quarters performance on inspections.

b. Highest average of individual inspection scores.

c. Smallest group total of negative observation reports for group members, etc.

5. Where local policy authorizes, authority to suspend incentives for a prisoner for a period not to exceed one watch of that supervisor may be delegated to a quarters supervisor. Each instance will be documented and forwarded to CO/OIC, BRIG O, or CPOIC, and in the case of consolidated brigs, the department head, no later than the next normal workday. Loss of incentive(s) for other than one watch rotation will be determined by the C&A board, Unit board (Navy), or D&A board.

6. Examples of incentives include the following:

- a. Extra recreational television/movie on weekends for a group.
- b. Extra telephone calls.
- c. Longer visiting (beyond required minimum).
- d. Choice of cell/room/space within custody or housing unit assignment.
- e. Preferred line assignment for meal serving order.
- f. Personal battery-operated radios (earphones normally must be used).
- g. Extra recreation time.

7. Incentives will not include job assignments or custody changes.

6313. LIFE SKILLS

1. Main goals of this program are to teach coping skills that will enable prisoners to function within military or civilian society. Program will include, but not be limited to, the following:

- a. Interpersonal communications.
- b. Problem solving.

- c. Citizenship in the home, community, and nation, e.g., required news coverage on evening television.
- d. Use of available resources.
- e. Decision-making.
- f. Positive use of free time.

6314. RECREATION

1. Prisoners shall have access to basic physical and non-physical recreational activities, although passive recreation will be kept to a minimum where alternatives exist. A recreation program including both individual and group activities will be provided based upon command resources. Extra recreational activities may be part of the incentives program. Recreation may include the following:

- a. Organized athletics, i.e., baseball, basketball, etc. Contact sports are authorized, and must be properly supervised.
- b. Minimal access to television and radio; additional access may be earned through positive behavior.
- c. Recreational library usage.
- d. Weight lifting equipment and instruction.
- e. Movies

(1) The type/content of movies shall conform to statutory limitations and the limitations of this policy. Brig COs/OICs/CPOICs shall designate an individual or board, such as the literary review board, to select and approve videotaped movies to be shown to prisoners consistent with the policy guidelines contained herein. All copyright and licensing agreements must be strictly enforced.

(2) 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 brig 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.

(3) 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.

6315. PT

1. A PT program will be developed in conformance with service standards. Command facilities may be utilized. PT shall be conducted on a daily basis and shall be led, by example, with a staff member or members. Enclosures (4) and (5) to reference (u) contain the recommended basic conditioning and warm up exercise program recommended for Navy personnel. Below program is intended for Navy confinement facilities only; Marine Corps confinement facilities shall implement a locally developed program consistent with Marine Corps standards.

2. This regimen is intended to eliminate those exercises which involve simultaneous bending and twisting at the waist since such exercises have been determined to cause back injury. Any exercises included in reference (u) may be used in any confinement facility/CCU exercise program. Exercises noted here are intended to provide a reasonable range of appropriate PT that waterfront brig/CCU's can accomplish during an average PT period.

3. Time limits cited are guidelines and not absolute. Age, physical condition, and motivation of prisoners, detainees and awardees as well as facility's training schedule shall be the deciding factor as to how long physical fitness training shall be performed.

4. Following physical fitness program is recommended for prisoners and awardees in Navy confinement facilities and CCUs:

a. Specific limitations

(1) A PT exercise period shall be limited to 40-45 minutes, including instruction. Type of exercises recommended herein shall be performed in both the manner and sequence presented. This sequence has been designed to

(a) ensure a proper warm-up in individuals who may not be in top physical condition.

(b) ensure proper working of each major muscle group.

NOTE: 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.

(2) Prior to commencing an intensive PT period, each participant will be given an opportunity for a drink of water and a head call.

(3) PT will not:

(a) Be required of individuals with valid medical restrictions.

(b) Be carried to the point of illness or physical exhaustion.

(c) Be performed within 15 minutes prior to a meal or 1 hour following a meal.

(d) Be performed under circumstance which will bring undue embarrassment to a participant or as a means of harassment or punishment.

(e) Be performed in extreme heat or cold.

(f) Be performed on unsafe surfaces (mud, snow, non-skid surfaces, etc.) or under any other unsafe conditions.

b. A PT period will consist of the following:

(1) A warm-up period consisting of stretching exercises contained in enclosures (4) and (5) to reference (u), and a period containing the exercises listed below. Warm-up exercises shall concentrate on those muscles which will be worked by the exercises and shall produce a steady strain with no bouncing or other forcing of muscle groups.

(2) Following exercises are listed with target repetition numbers. Many people will be able to achieve or

exceed these numbers, some will not. The important factor is that participants do their best.

Trunk Twists (side-to-side)	25
Trunk Bender (fore and aft)	25
Toe Touches (sitting)	25
Trunk Side Stretches	20
Arm Circles	1 minute each (forward & back)
Jumping Jacks	75
Run in Place	3 minutes
Sit-ups	40 (males) 33 (Females)
Push-ups	19 (males) 11 (females)
Run in Place	20 minutes
or Run	1.5 miles

c. There shall be reasonable breaks of a minute or two whenever the exercise leader determines it necessary. During this period, water shall be made available. After all exercises have been completed, 10 minutes shall be allowed for cooling down. During this period, stretching exercises as outlined in enclosure (5) of reference (u) shall be performed.

d. PT shall be performed on a daily basis and will always be led, by example, with a 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.

e. Safety remains the primary consideration in any Navy PT program. During periods of high temperature/high humidity, slowing or curtailment of physical activity must be given due consideration.

6316. RELIGIOUS PROGRAM

1. Chaplain. Chaplain will direct the religious program, and provide for worship services, religious education, and pastoral care that accommodates the doctrinal or traditional observances of the religious faith practiced by individual members 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 facility's religious program. The pastoral relationships established will be of special benefit when prisoners are restored to duty. Appointed chaplain will coordinate the visitation program of unit chaplains and their participation in the facility's religious program. A close working relationship between the confinement facility staff and the chaplain shall be developed.

2. Religious Practices

a. Prisoners will be neither coerced into nor rewarded for the practice of religion. Questions regarding religious practices shall be referred to chaplains for their recommendations. After consultation with the chaplain and a staff judge advocate, the BRIG O 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 confinement facility, or with some other compelling governmental interest.

(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 will be presented on a DD 510, Request for Interview. Response to the request will be recorded on the chit indicating date and

time, and if denied by the CO/OIC, the reason. A copy of the chit will be placed in the individual prisoner's file.

6317. TESTING AND EVALUATION PROGRAM

1. Testing and evaluation of prisoners depends largely on size and capability of the facility and legal status of the prisoners. Some areas of testing are indicated below and shall be used as applicable to the individual facility and service.

- a. General Education Diploma (GED) testing.
- b. Physical fitness testing.
- c. Occupational preference testing.
- d. Military requirements.
- e. Battle Skills (USMC).

6318. WORK RELEASE PROGRAM. This program requires special authorization by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

6319. STUDY RELEASE PROGRAM. This program requires special authorization by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

6320. UTILIZATION OF LOCAL RESOURCES. Mutually supportive arrangements with the local military and civilian communities shall be established and maintained. A well rounded corrections program will use qualified local resources when the need arises. Volunteers may be used to conduct some programs or to assist staff members in conducting them.

6321. GENERAL MILITARY TRAINING (GMT). In addition to a specialized counseling program tailored to the needs of personnel returning to duty, a GMT subjects program shall be provided per service requirements for personnel returning to duty.

SECTION 4. PRE-RELEASE

6401. PRE-RELEASE PHASE. Planning for prisoners' release begins upon reception and continues throughout confinement. At the time a prisoner is to be released from the confinement

facility, few problems or questions shall remain. The pre-release phase is an opportunity to prepare the prisoner for final release to the command or community. 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 will vary according to whether or not a prisoner is being restored to duty.

6402. DAILY TRAINING PROGRAM. In Navy confinement facilities, a daily training schedule will be provided on a 4-week cycle in other than consolidated brigs. While it is preferred that entry be at the beginning of a week, a prisoner may commence training at any point in the cycle. Program shall be presented by the training supervisor or correctional counselor with the assistance of the quarters supervisor. Prisoners confined for more than 4 weeks will participate in a second cycle of the training regimen. Prisoners confined for more than 8 weeks will be assigned to other training or work projects after completion of 8 weeks of training. Prisoners who will be returning to duty and those who are scheduled for discharge will be trained in separate groups. Pretrial personnel will be trained separately or with return to duty personnel. If practical, training shall be conducted in small groups of 10-15 prisoners.

1. Individual local schedules may vary from this cycle with approval of the Echelon 2/3 command with documentation forwarded to NAVPERSCOM (PERS-68).

2. In naval consolidated brigs, significant effort is to be placed into pre-release programs within the units/departments. Pre-release coordinators are integral to unit/department decisions and planning with individual prisoners and will be involved totally with pre-release planning and goals for all prisoners.

CHAPTER 7
CONFINEMENT, RELEASE, TRANSFER

SECTION 1. CONFINEMENT REGULATIONS

7101. PURPOSE OF CONFINEMENT. An individual is sentenced to confinement as punishment, for rehabilitation, and as a deterrent to other individuals. Sentence to confinement expresses the retribution demanded by society that the individual offended and removes offenders from society for a specified period. Confinement period shall be oriented towards rehabilitation of the prisoner.

7102. DEFINITION AND CONSTRAINTS

1. Definition. Confinement is the physical restraint of a person (section 809(a) of reference (a)).

a. Pretrial. Confinement may be imposed before trial per article 7102.2a of this manual.

b. Detention. A servicemember may be detained pending initial disposition of a case. Detention may be used when there is probable cause to believe an offense has been committed by the member, and circumstances indicate temporary confinement is needed for public safety or well being of the servicemember. See article 2101.3 for length of time a member may be retained in detention.

c. Post-trial. Confinement may be imposed after trial as a result of a court-martial, or to confine a probationer prior to vacation of a suspended sentence which includes confinement (R.C.M. 1109 of reference (c)).

d. Bread and Water (B&W)/Diminished Rations (DIMRATS). Confinement on B&W/DIMRATS may be imposed as punishment upon personnel in paygrade E-3 or below, attached to or embarked in a vessel.

2. Constraints. Authority to confine persons as provided for in article 7201 is modified or constrained by the following parameters:

a. Pretrial Confinement. Pretrial confinement may be imposed before trial per reference (c), .R.C.M. 305.

b. Initial Reviewing Officer Notification. BRIG Os shall notify the Initial Reviewing Officer and local Naval Legal Service Office/Legal Service Support Section within 24 hours of pretrial confinement of personnel.

c. Detention. Temporary confinement under the circumstances described in article 7102.1b shall be only for the purposes specified. Once the reason for detention is no longer applicable, the individual will be placed in pretrial confinement or released, even though maximum time permitted for detention has not expired.

d. Probationers may be confined prior to vacation of a suspended sentence which includes confinement and when there is probable cause or reasonable ground to believe the servicemember has committed acts in violation of the conditions of the suspension.

e. Administrative Discharge. A person shall not be placed in confinement based solely on impending administrative discharge proceedings.

f. Special Categories. Officers will be confined per provisions of article 7103.2b.

g. Other Prisoners. No member of the armed forces may be placed in confinement in close contact with enemy prisoners, or foreign nationals who are not members of the United States Armed Forces, except as specified in article 7104.6.

h. Acceptance of Prisoner. No member of the confinement facility staff shall refuse to receive or keep any prisoners committed to their charge by a commissioned officer of the armed forces, when the committing officer furnishes a statement, signed by them, of the offense charged against the prisoner (reference (a), article 11(a)) and appropriate medical personnel have certified in writing on DD 2707, Confinement Order, the person is physically fit for confinement (see article 7205). "Safekeeping" and "protective custody" are not legal reasons for confinement.

i. Punishments. Per reference (a), article 13, no persons, while being held for trial may be subjected to punishment or penalty other than arrest or confinement, nor shall the arrest or confinement imposed upon them be any more rigorous than the circumstances require. Individuals, however, may be subject to minor punishment during such a period for infractions of discipline. Administrative disciplinary measures provided for under this statute are defined in chapter 5 of this manual.

j. Parole Violator

(1) By Suspension. Suspension of parole interrupts the sentence, unless the parolee is re-confined. A parolee who is not confined during a suspension of parole is not entitled to confinement credit for the period of suspension; however, NCPB may authorize full or partial credit retroactively when it either revokes parole or rescinds the suspension and reinstates parole.

(2) By Revocation. NCPB may revoke parole if parolee's behavior warrants return to confinement and the necessary due process rights are afforded to the parolee during the revocation process. In appropriate circumstances and upon request of the parolee, NCPB may defer executing the revocation for a period of time normally not exceeding 1 year. If, during the period of this deferment, parolee commits any further violations of a condition of parole, NCPB may cancel the deferment, execute revocation, and re-confine parolee upon notice to the parolee and without further proceedings. Parolees who have not been re-confined pending parole revocation proceedings will, within 24 hours of receiving notification of the revocation of their parole from their U.S. Probation Officer, return to confinement as directed.

7103. CATEGORIES OF PRISONERS

1. Legal Status Categories

a. Detainees. A detainee is a person who has been legally ordered into confinement and is awaiting trial or rehearing, or is being held for questioning pursuant to an order by competent authority. This includes those persons who are pending vacation of a suspended sentence which includes confinement. There is a clear requirement for differentiation in programs, primarily in

work areas, for sentenced and un-sentenced prisoners (United States v. Nelson, 18 U.S.C.M.A. 177, 39 C.M.R. 177 (1969); reference (a), article 13; and R.C.M. 304(f) of reference (c)). Detained personnel in a confinement facility shall be referred to as detainees.

b. Transient Prisoners. A prisoner held in confinement pending disposition instructions from another command, awaiting transportation to a designated confinement facility, or return to parent unit.

c. Prisoners. Persons adjudicated by courts-martial or military tribunal/military commission and ordered into confinement are prisoners whether or not the sentence has been ordered into execution.

2. Special Categories

a. B&W or DIMRATS for Prisoners

(1) These punishments are authorized by reference (a), article 15, and may be imposed only upon an enlisted person in pay grade E-3 or below who is attached to or embarked in a vessel. Confinement on B&W, or DIMRATS, shall not be imposed for more than 3 consecutive days.

(2) Rations furnished a person undergoing confinement on B&W shall consist solely of bread and water. The amount of bread and water shall not be restricted and will be served three times daily at the normal time of meals.

(3) A person undergoing confinement on DIMRATS will receive three meals daily which will contain no meat, poultry, fish, eggs, butter, milk, sweeteners, desserts, and table condiments, and only one-half rations of all other items of the regular menu. Normal standards of preparation and service of food will be maintained. Water will be the only drink.

(4) Neither B&W nor DIMRATS may be imposed as disciplinary measures unless the medical officer pre-certifies in writing that a deterioration of the prisoner's health is not anticipated as a result of such action.

(5) Prisoners serving sentences of B&W or DIMRATS will be confined in a cell and will be bound by the procedures set forth for disciplinary segregation cells. They will not be removed for work or physical exercise.

(6) A pre-confinement medical examination shall be obtained before B&W/DIMRATS punishment is carried out, regardless of whether punishment is a new admission, a continuation of confinement, or a readmission of a person previously released from confinement. Good conduct time is not credited for B&W/DIMRATS punishment.

b. Officer Prisoners

(1) Officer prisoners include warrant officers, commissioned officers, cadets, midshipmen, and officer candidates. Preferably, officers shall be placed in arrest in quarters or another suitable place apart from the confinement facility. Where local confinement facilities are inadequate, a request for designation of a place of confinement shall be forwarded to NAVPERSCOM (PERS-68) or CMC (PSL Corrections). A report of all officer confinements shall be submitted immediately to NAVPERSCOM (PERS-68) or CMC (PSL Corrections). In all cases, a telephone report shall be paralleled by an electronic report. The telephone report and electronic report, submitted via E-Mail, shall contain the officer's name, social security number, 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). For Navy officers, the report shall be sent not only to NAVPERSCOM (PERS-68), but also to NAVPERSCOM (PERS-6834). If report is by message, in the case of pretrial 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 shall be reported by message.

(2) Officer prisoners, both pretrial and post-trial, will be treated the same as enlisted prisoners with the following exceptions:

(a) Officer prisoners will be berthed separately from enlisted prisoners. Pretrial officers will be berthed separately from post-trial officers.

(b) Single occupancy cell berthing constitutes appropriate billeting separation. Where multiple berthing exists (i.e., dorm), separation can be accomplished by segregation of spaces within the same berthing area.

(c) Officers shall utilize confinement facility support services areas (e.g., mess decks, library, small stores, etc.) without regard to separation from enlisted prisoners.

(d) Officers shall participate in those phases of the correctional orientation or treatment program determined by the CO/OIC/CPOIC to be necessary to assure their control, custody, employment, training, health, and welfare. When participation is deemed appropriate, integration of officer prisoners with enlisted prisoners is authorized.

(e) Officer prisoners will not exercise any command or supervisory authority over other prisoners or confinement facility staff while confined.

(f) Officer prisoners will comply with rules and regulations of the confinement facility to the same extent as any other detainee or prisoner. They will follow orders of all staff members, regardless of grade.

(g) Disciplinary measures allowed are the same; a D&A Board recommendation is required.

(h) Officer prisoners are not rendered a salute, not addressed by their grade, and, in order to prevent injury to the officer or others, they do not wear ribbons or collar devices at any time except for attendance at court-martial or official functions. All Navy pretrial officers shall wear their cloth grade insignia on their working uniform if their working uniform allows for such. Post-trial prisoners shall not wear grade insignia, or other accoutrements, on their working uniform.

(i) When transferring pretrial officers from one confinement facility to another, the senior escort will be an officer of equal or higher grade, or as designed by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Post-trial officers may be escorted by qualified enlisted escorts of any grade.

(j) Pretrial and post-trial officers shall be escorted by qualified escorts of any grade when involved in the normal movements carried on by the confinement facility (e.g., sick call, legal matters, work parties, etc.).

(3) When a sentence to dismissal has been executed, the dismissed officer prisoner will continue to be confined with, and otherwise handled as, an enlisted prisoner.

c. Female Detainees/Prisoners. Confinement facilities will not be used to confine female servicemembers unless specifically approved and certified by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). This approval will be granted only if the criteria listed in (1) through (4) below are satisfied. Rules and regulations regarding apprehension, arrest, restriction, detention, and confinement shall apply equally to members of both sexes. All female detainees and prisoners are to be incarcerated in military confinement facilities unless a waiver of this policy is approved by a second echelon commander in the Navy or Marine Corps. Waivers shall be requested on a case-by-case basis for detainees and short-term prisoners (not to exceed 30 days) who, upon approval, may be confined in an appropriate civilian institution (usually a Federal metropolitan correctional center or jail under contract to the U.S. Marshals Service). Pending decision by the approving authority of a waiver request, such individuals may nevertheless be confined in an appropriate civilian facility for up to 72 hours. Confinement or detention of female servicemembers in naval facilities may be effected when:

(1) There are no servicemembers of the opposite sex confined in the same space at the same time.

(2) Ashore confinement facilities ensure total visual and acoustic berthing separation of males and females confined if simultaneous confinement of male and female servicemembers is authorized. Afloat confinement facilities shall provide visual separation to ensure adequate privacy during use of the toilet, showering, changing clothes, and similar periods of nudity. This will be accomplished by use of privacy screens/partitions for each head area/facility, shower, etc.

(3) Trained and qualified female staff members are utilized.

(4) Confinement criteria as directed by this manual are met.

d. Pregnant Prisoners

(1) Care and management of pregnant prisoners is governed by SECNAVINST 1000.10, OPNAVINST 6000.1B, and MCO 5000.12D. Pregnancy does not preclude confinement in naval confinement facilities as long as appropriate prenatal care is provided and there is a medical treatment facility 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 R.C.M. 1101(c) of reference (c).

(b) Clemency may be authorized per reference (e), article 6304.3 of this manual, and sections 0158 and 0159 of the Judge Advocate General's (JAG) Manual. Under article 6304 of this manual, clemency in the form of sentence reduction would normally be recommended by the confinement facility only when it is felt further confinement would not benefit the prisoner and the naval service.

(3) A prisoner considering elective abortion will 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, confinement facility personnel will 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. Confinement facility assistance will be limited to providing necessary transportation and security for visits to the facility where the abortion is performed and follow-up care is provided.

(4) 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 7th 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 confinement facility will assist the mother in making arrangements with the NLSO/Fleet and Family Support Center (FFSC). 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 will be borne by the individual.

(5) Following either abortion or delivery, a period of reduced activity is normal. Reduced activities will be determined by the examining medical officer.

e. Other Than U.S. Military Facilities. A report of all naval prisoners placed in pretrial confinement or serving a court-martial sentence in other than U.S. military facilities will be marked "For Official Use Only" and submitted to NAVPERSCOM (PERS-68) or CMC (PSL Corrections), as appropriate, in the following format:

- (1) Name (post-trial only).
- (2) Rate or grade.
- (3) 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.

(12) Remarks.

f. Civilian Prisoners/Detainees. Civilians (not to include discharged military prisoners) confined under provisions of reference (a) or under an order issued by a military tribunal/military commission are subject to the same rules and regulations, and will be accorded the same treatment as military prisoners. Civilian prisoners/detainees shall not be required to wear any military uniform or engage in any military or PT or acts of protocol other than normal civility. They must observe the regulations governing behavior and security control of prisoners. Participation in rehabilitative programs is permitted. Civilian prisoners/detainees 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 will be immediately submitted to NAVPERSCOM (PERS-68) OR CMC (PSL Corrections). Name and SSN of pretrial detainees will be omitted and reported via telephone.

g. Discharged Military Prisoners

(1) Treatment. Discharged military prisoners confined under provisions of reference (a):

(a) Shall be afforded the same treatment as non-discharged military prisoners.

(b) Shall observe the rules and regulations governing behavior and security control of prisoners.

(c) Shall be allowed to participate in rehabilitative programs.

(d) Shall be assigned appropriate work.

(e) Shall draw a gratuitous issue of health and comfort items.

(2) Uniform. Uniform worn shall be as prescribed by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

(3) Military Training. Discharged military prisoners shall not take part in return to duty programs. Goal of the correctional program with respect to discharged prisoners is to prepare them for return to offense-free civilian life as part of the greater community-at-large. Participation in formation movements is expected and required, but providing discharged prisoners with military training in close order drill is not authorized.

(4) Physical Training (PT). Discharged military prisoners will be allowed the opportunity, but are not required, to participate in organized PT. When participating, they will follow the same protocols required of non-discharged prisoners. Discharged prisoners who elect not to participate will remain in their cells/rooms during the evolution, or separated from the activity.

(5) Inspections. Discharged military prisoners will participate in all personnel and property inspections to the same degree as non-discharged prisoners.

(6) Incentive Program. Discharged military prisoners may participate in the facility's incentive program the same as non-discharged prisoners.

(7) Courtesy. Courtesy standards shall continue to be followed in the same manner as non-discharged prisoners confined in the same facility.

(8) Personal Hygiene and Appearance. Standards shall continue to be followed in the same manner as non-discharged prisoners confined in the same facility. Grooming standards shall conform to regulations of the service from which discharged, or as directed by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

h. Confinement Under Status of Forces Agreement (SOFA). U.S. military personnel in overseas areas may be confined in confinement facilities if being investigated for, or charged with, offenses against the laws of the host country, and SOFA with the host country requires the United States ensures the

presence of the offender at the trial. 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)."

i. Foreign Military Personnel. Confinement of foreign military personnel in naval confinement facilities 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. Requests for such authorization will be forwarded to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) who will coordinate with the International Law Division, Office of Judge Advocate General, and Under Secretary of Defense for Personnel and Readiness (Program Integration).

7104. DESIGNATION OF INITIAL PLACE OF CONFINEMENT

1. Criteria. When the convening authority orders a sentence of confinement at hard labor into execution, that action will designate an initial place of confinement per criteria of this chapter and on the basis of time remaining to be served on the approved sentence, without credit for good conduct time. Designation shall be made per the type and length of sentence rendered. NAVPERSCOM (PERS-68) or CMC (PSL Corrections), as appropriate, will issue specific instructions for designation of places of confinement. In the management of corrections programs, subsequent designation of place of confinement shall be directed by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

a. Convening authorities and station COs operating confinement facilities may request re-designation from the Echelon 2/3 command of the place of confinement for an individual when any of the following conditions prevail:

(1) Prisoner has previously escaped or attempted escape from the facility, and adequate security to prevent repetition does not exist at that command.

(2) Prisoner has been involved in a serious disorder or act of violence.

(3) Prisoners behavior are such that they constitute a serious custodial problem, or seriously disrupts the confinement

facility program or operation, and the confinement facility does not have adequate segregation capabilities.

(4) Prisoner is a relative or close friend of any facility staff member.

(5) Prisoner is a former staff member of the facility.

(6) Length of confinement, gender, programs availability, and DOD confinement level designation does not conform to mission needs.

(7) Existing inter-service support agreements.

b. Convening authority shall consider the above factors when designating a place of confinement. Transfers for the above reasons shall be submitted for action by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Prior coordination with the convening authorities shall occur if the request for transfer is prior to their actions.

2. Pretrial. Prisoners in pretrial status shall be confined in the nearest or most convenient military confinement facility.

3. Ships. Shipboard brigs may be designated as place of confinement for Navy and Marine Corps personnel with sentences to confinement of 30 days or less. When these prisoners are confined ashore, and have 30 days or less to serve at the time their ship deploys for extended operations, their command shall arrange to have them transferred from the confinement facility and returned to their ship prior to or during its deployment.

4. Use of Civilian Confinement Facilities

a. If no military confinement facilities are reasonably available, civilian confinement facilities may be utilized. See reference (c), R.C.M. 1113. The report required in such case is described in article 7103.2e of this manual.

b. Facilities shall normally be the same used by the U.S. Marshals Service for housing Federal prisoners of the same legal status, age, and gender. (Usually a Federal metropolitan correctional center or jail under contract to the U.S. Marshals

Service.) COs may request the name and location of such facilities by contacting the nearest U.S. Marshals office.

c. For Navy personnel, all costs associated with such confinements shall be borne by the confining command. For Marine Corps personnel, forward all requests for payment to CMC (PSL Corrections) per reference (i). Subsistence costs for military personnel confined in civilian facilities will be no more than those paid for civilian Federal prisoners. Information on these costs can be obtained from the cognizant U.S. Marshals office.

d. Prior to confining military personnel in a civilian facility, the following procedures must be observed:

(1) A determination of the individual's fitness for confinement shall be made prior to such confinement. See article 7205.

(2) Determine types and quantities of personal effects and clothing the institution permits. Ensure they accompany the individual upon confinement and are re-supplied as necessary.

(3) Ensure Initial Review Officer hearings are conducted and coordinate necessary legal services. Command visits will be accomplished at least once weekly, per article 7208 of this manual. Command visits may be extended to one every other week with interim telephonic contact for commands more than 50 miles from the place of confinement.

5. Use of Other Military Confinement Facilities

a. Joint usage of military confinement facilities will be conducted per current DOD directives for consolidation of military confinement facilities.

b. If naval personnel are to be confined in the confinement facilities of another service, they will first be processed per section 2 of this chapter.

c. Prior to any command entering into an agreement with another service for joint usage of a confinement facility, a copy of any proposed draft agreement shall be forwarded to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) for review and

comment prior to finalization of the agreement. This is to ensure conformance to DOD guidelines on confinement agreements and memoranda of understanding.

6. Foreign Civilian Confinement Facilities

a. Pretrial. Where no military confinement or detention facility is available, foreign civilian confinement facilities may be used for pretrial confinement of naval personnel who are charged with serious offenses against reference (a). Following conditions shall be met:

(1) Senior officer present must approve such facilities based upon adequacy of security features, safety of prisoners, and adequate living conditions.

(2) In each case where a foreign confinement facility is used, a message report will be made per article 7103.2e of this manual.

b. Post-trial. When post-trial confinement is ordered, prisoners shall be immediately transferred to an appropriate U.S. military confinement facility.

7105. USE OF NAVAL CONFINEMENT FACILITIES BY CIVILIAN JURISDICTIONS

1. Policy. It is DOD policy not to confine civilian personnel, not subject to reference (a), in naval confinement facilities. Only Secretary of Defense (SECDEF) or designee may grant exceptions.

2. Procedure. Requests by Federal, State, or local law enforcement agencies to use a naval confinement facility 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 will be staffed through the second echelon commander of the facility and NAVPERSCOM (PERS-68) or CMC (PSL Corrections), who will coordinate with ASN (M&RA), Personnel and Readiness (P&R). When time does not allow forwarding of written communication, such requests may be processed through the above specified chain of command by facsimile. Telephone requests will be considered only in emergencies.

3. Guidelines. When such requests 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. Prisoner 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 will be provided by the using agency, subject to authorization of the CO.

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 will be returned and they may be taken into the cell block. If this situation arises, NAVPERSCOM (PERS-68) or CMC (PSL Corrections) shall be notified immediately by the most expeditious means.

4. Support. The following are authorized support on a reimbursable basis, insofar as possible:

a. Cell/housing space.

b. Food for staff and prisoners.

c. Medical care on an emergency basis until appropriate transfer can be arranged.

SECTION 2. CONFINEMENT PROCEDURES

7201. AUTHORITY TO ORDER PRETRIAL CONFINEMENT

1. Officers/Midshipmen/Cadets/Civilians. Commissioned officers, warrant officers, midshipmen/cadets, or civilians may be ordered into arrest or confinement only by a CO exercising

command authority over them. This authority may not be delegated (R.C.M. 304(b) of reference (c)). 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 arrest or 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 (R.C.M. 304(b) of reference (c)). This authority will not normally be delegated to grades below the grade of E-6.

3. Other Armed Services. Members of other armed services may be ordered into arrest or confinement by members of the naval service, as limited above, provided contact is made with the offender's CO by the most expeditious means requesting confirmation of the status of the member and the disposition to be made in the case. NAVPERSCOM (PERS-68) or CMC (PSL Corrections) will be notified.

4. Civilians. Civilians confined under provisions of reference (a) may be confined only under conditions described in article 7103 of this manual. Confining civilians being detained for, or convicted of, offenses against civilian criminal codes is generally precluded by 18 U.S.C., section 1385, but exceptions are possible under conditions and procedure prescribed in article 7105 of this manual.

5. Status of Forces Agreement. Naval service personnel may be held in confinement facilities pending action by a foreign civil court under the conditions prescribed in 7103.2h.

6. Foreign military personnel may be confined in naval confinement facilities only under the conditions prescribed in article 7103.2i of this manual.

7202. PRETRIAL CONFINEMENT

1. Notification and Action by the Commander

a. Unless the commander of the prisoner ordered the pretrial confinement, the commissioned, warrant, noncommissioned or petty officer to whose charge the prisoner was committed shall, within 24 hours after that commitment, provide a report to the commander including the name of the prisoner, the offenses charged, and the name of the person who ordered or authorized confinement.

b. This report may be made by any means. Ordinarily, the immediate commander of the prisoner shall be notified. In unusual cases, any commander to whose authority the prisoner is subject may be notified.

2. Advice to the accused shall consist of the following:

a. Nature of the offenses for which held (article of reference (a) and a brief explanation).

b. Right to remain silent and a warning that any statement they make can be used against them in disciplinary proceedings.

c. Right to counsel.

d. Procedures by which pretrial confinement will be reviewed.

3. Notification and acknowledgment of the requirements contained in articles 7202.2.a, b, c, and d of this manual will be accomplished and shall be signed by the person being placed in pretrial detention and the staff member explaining the above provisions. This notification and acknowledgment shall then be made a permanent part of the detainees' brig record. Notification will 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 confinement facility shall have a standard message format prepared for informing the person's parent command of pretrial confinement.

7203. CONFINEMENT ORDER. A properly completed DD 2707 with details of offense(s) and medical certification of fitness for confinement must accompany the offender to the confinement facility 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 8105 of this manual. If the confinement results from a sentence adjudged by a court-martial, the confinement order will be accompanied by a report of results of trial signed by the summary court-martial officer, or by the trial counsel of the special or general court-martial imposing the punishment, and a completed DD 2704, Victim/Witness Certification and Election Concerning Inmate Status.

7204. RECORDS

1. Following individual records shall accompany all offenders at the time of confinement:

- a. Health record.
- b. Dental record.
- c. Reports of results of trial of personnel serving sentences of confinement, including pretrial agreements where applicable.

2. Service records shall be transferred per reference (o) (Navy) or reference (i) (Marine Corps), except in cases of non-judicial punishment directing confinement to B&W or DIMRATS.

7205. MEDICAL EXAMINATION/INITIAL EXAMINATION

1. 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 confinement facility 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.

a. Medical officers, nurse practitioners, and physician assistants can perform confinement physical examinations.

b. Physical limitations to full duty performance shall be so specified in writing by the examiner. Examining official shall note on the original confinement order the presence of

cuts, bruises, or unusual marks. Females will be given a pregnancy test and results noted on the confinement order. Persons ordered into confinement displaying irrational or inappropriate behavior which is symptomatic of mental disturbance or effects of hallucinatory substances, shall be referred to a physician who will determine the requirement for hospitalization. Provisions of NAVMEDCOMINST 6520.1A will be followed when dealing with prisoners with suspected suicidal ideations or behavior. Also refer to article 4205.5 of this manual.

c. When a qualified medical examiner is not available (e.g. after regular working hours) medical screening for confinement may be performed by a hospital corpsman. Brig medical officer or other medical officer designated to supervise medical services for the confinement facility shall designate such hospital corpsmen qualified to perform this interim medical screening. In all cases, the prisoner shall be examined by a qualified medical examiner within 24 hours of confinement.

d. In the absence of the medical record at the time of initial confinement or transfer, the medical officer will evaluate and document the need to continue medications the prisoners report they are currently taking.

2. B&W/DIMRATS. A sentence to confinement on B&W/DIMRATS may be executed only if a medical officer examines the prisoner and certifies in writing that service of such sentence will not, in the medical officer's opinion, produce serious injury to the health of the member. Prisoner shall be examined at a military treatment facility whenever possible. When examined at the place of confinement, medical examiner will be provided an appropriate space and facilities to conduct a competent physical examination.

3. Re-certification. Re-certification of fitness for confinement is not required except for cause. Any interruption of confinement for periods over 24 hours will necessitate a new physical examination. Examinations may be requested for shorter periods when circumstances indicate. Prisoners transferred between confinement facilities will 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.

4. Refusal to Take Confinement Physical. If a prisoner refuses to allow authorized medical personnel to perform the initial or re-certification physical examination, 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, individual will be accepted into confinement and rescheduled for physical exam when the medical officer deems appropriate.

(1) A notation will be made on the confinement order that the individual refused the confinement physical and a physical will be rescheduled when the medical officer deems appropriate.

(2) A notation, similar to article 7205.1(b) of this manual, will also be made stating the reason why a determination could not be made.

(3) Prisoners will be retained in medical segregation or administrative segregation, as appropriate, pending determination of fitness for confinement.

(4) Prisoners will not be allowed into the general population without a completed and proper medical examination, (e.g., not an examination based on records review and observation only, etc.).

(5) Prisoners will be quarantined in a medical facility if so ordered by the medical officer.

d. Prisoners may be charged under reference (a) for failing to obey a lawful order by the medical officer.

7206. LOGISTICAL SUPPORT BY CONFINING COMMAND

1. Uniforms shall accompany the prisoner at the time of confinement, and shall be provided per articles 8206 and 8213 of this manual.

2. Health and comfort supplies sufficient to last for the period of confinement, or up to 1 month, will accompany the prisoner to the confinement facility and shall be provided by the command ordering confinement. See articles 8207 and 8211 of this manual for details.

7207. INITIAL REVIEW

1. Directive. Determination of the need for continuation of pretrial confinement will be per reference (c), R.C.M. 305(h)(2). Unless the prisoner's commander was the officer who ordered the pretrial confinement under reference (c), R.C.M. 305(d) of the prisoner's commander must complete review of the pretrial confinement under reference (c), R.C.M. 305(h).

2. Local Support. Initial reviews shall normally be conducted at the confinement facility. BRIG Os will provide timely notification to the Initial Review Officer (IRO) within 24 hours of initial confinement. An area shall be provided at the confinement facility for holding such reviews. Every effort shall be made to provide an atmosphere appropriate for a review per reference (c), R.C.M. 305(i).

7208. COMMAND VISITS

1. Required. Although prisoners are involved in the program established within the confinement facility, there is a need to provide continuing contact, during confinement, between the prisoners and a representative from the parent command.

2. 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.

3. Procedures. COs shall establish procedures for visiting at least weekly each detainee and each prisoner who will return to the parent command. This visit shall be made by a representative of the parent command (staff non-commissioned officer, first class petty officer or E-6 or higher with the authority to act in the CO's behalf). When the offender's command is on extended deployment, the Immediate Superior In Command (ISIC) shall provide command visits. It is improper to delegate command visit functions unless the confining command is at sea, or is a remotely situated activity. For remotely situated commands (i.e., over a 200 mile radius), Echelon 2 commanders, shall designate command visit intervals, but shall insure at least weekly telephone interviews with confined command members or their correctional counselors. Chaplains will 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 command representative. Documentation of each command visit shall be made a part of the prisoner's permanent record.

4. Notification. Command visits require prior coordination with the confinement facility. For prisoners who may return to duty, if the parent command provides a trained escort(s), certified by the confinement facility, prisoners may be returned to their command for these visits.

SECTION 3. RELEASE

7301. TEMPORARY ABSENCE (TA)

1. Authorization. TA of prisoners from confinement facilities for investigations, trial, work, and other proper purposes is authorized under custodial procedures when approved by the BRIG O. Neither a prisoner release order nor a confinement order is required for TA. DD 2708, Receipt for Inmate or Detained Person, is required when a member from another command takes or accepts the prisoner outside the security perimeter for any reason. When the TA is for purposes of trial, and the trial has concluded during such TA, a report of results of trial, signed by the trial counsel of the special or general court-martial, or the summary court-martial officer before which trial was held, shall be required by the confinement facility upon subsequent return of the prisoner.

2. Procedures. To ease administrative procedures, limit TA's to normal working hours. Time of return of the prisoner to the confinement facility shall not extend past normal recall for work parties. If, however, it is necessary to detain the prisoner outside the confinement facility past that time, the prisoner's escort shall call the confinement facility'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 O 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 O shall determine if a physical reexamination is required. If 24 hours has not elapsed, the confinement facility is responsible for escorting or providing the support required to obtain the examination.

3. 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 second echelon commander.

7302. HOSPITALIZATION

1. Procedures. 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 prisoners are considered a threat to themselves or to others. Confinement facility shall provide any additional information that will 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 confinement facility shall remain with the prisoner until the DD 2708 is prepared.

b. Prisoners undergoing psychiatric treatment shall be retained in the psychiatric ward until treatment is completed. Prisoners capable of being released outside of the ward shall be returned to the confinement facility directly from the psychiatric ward. Brig medical officer or clinical services

director shall be consulted and a medical care plan established prior to the prisoner's return.

c. MDI/O, MIN, or IC prisoners in need of hospitalization shall be turned over to hospital security personnel for admission. Hospital will place the prisoner in a restricted ward or within view of the central station, and the prisoner's movements off the ward will be closely controlled. All of the prisoner's clothing shall be secured and a special colored hospital gown issued to the prisoner. Prisoner shall muster at least four times daily with the hospital security personnel and will be continuously visible to the central station between taps and reveille.

d. Confinement facility shall, at a minimum, provide a 24-hour watch of hospitalized MAX custody prisoners.

e. As soon as prisoners no longer require hospitalization, they shall be returned to the confinement facility for completion of confinement, utilizing DD 2708. Prisoners shall not be placed in medical holding companies or on convalescent leave. Prisoners who remain hospitalized upon completion of confinement shall be transferred to the hospital on the scheduled release date ("Temporary Duty (TEM DU) for Treatment" for Navy prisoners).

2. Status. Hospitalization while confined counts day-for-day as time in confinement.

7303. EMERGENCY LEAVE

1. Authority. Emergency leave may be granted to prisoners per reference (i) (Marine Corps) and reference (o) (Navy).

a. In the case of naval personnel confined in pretrial status, emergency leave will be approved or disapproved by the servicemember's parent command.

b. In the case of Navy personnel confined in a post-trial status, emergency leave will be approved or disapproved by the CO/OIC; Marine Corps prisoners require convening authority approval.

2. Procedures

a. Travel and incidental costs of prisoners shall be at no expense to the government. Use of space available government air transportation is authorized. Navy prisoners on emergency leave may travel without escort, but, if required, escort's travel expense and other necessary incidentals must be borne by the government. Escorts for Marine Corps prisoners going on emergency leave will be provided by CMC (PSL Corrections).

b. Periods of emergency leave shall be considered as time served in confinement, unless deferred, and leave will be charged against the prisoner's leave balance, if any, for the period of absence.

c. The visit shall be short in duration, ordinarily 24 hours plus necessary travel time. This period may be lengthened at the discretion of the approving authority.

d. Prisoners must be carefully briefed on the conduct expected of them while traveling and while at their destination. Written agreements are permissible.

e. Prisoners on emergency leave will be carried on the out-count of the facility.

f. Address and telephone information for prisoners on emergency leave will be verified through the American Red Cross Chapter requesting emergency leave. A point of contact for the confinement facility shall monitor the prisoner, as deemed necessary, while on emergency leave.

g. Where necessary, prisoners on emergency leave may be temporarily confined in civilian confinement facilities, per article 7104.4b of this manual, if military confinement facilities are not available.

7304. RELEASE FROM CONFINEMENT

1. Authority. Any commander of a prisoner, an officer appointed under regulations of the Secretary concerned to conduct the review under reference (c), 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 pretrial confinement. For purposes of the subsection, "any commander" includes the immediate or higher commander of the prisoner and the commander of the installation on which the confinement facility is located. COs/OICs, or their designee (written), shall authorize final release of the prisoner under the following conditions:

a. Upon expiration of the term of confinement, adjusted to reflect clemency or other action, and further reduced by good conduct time earned.

b. Upon direction of proper appellate authority.

2. Release Order. A DD 2718, Inmate's Release Order, shall be prepared to effect every final release from confinement. It shall show the prisoner's name, social security number, 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 will be obtained on DD 2718. A copy shall be retained by the facility.

3. Procedures. Release preparation begins with the prisoner's admission and continues until the individual's return to duty or discharge. Prisoner must be afforded intensive assistance in preparation for release during the later phase of confinement; however, pre-release program personnel must be involved from the beginning in reviewing and planning release needs, e.g., residence, job, treatment, preparation for transfer, etc. Following guidelines are to be followed:

a. Last phase of confinement is essentially administrative; however, pre-release orientation shall be included. Pre-release phase shall include presentations on what to expect on return to duty or upon return to civilian life, and which agencies can be of aid to the individual in either case.

b. Where sufficient numbers of prisoners are released each week, scheduled release orientations shall be established. Adequate pre-release processing normally requires 1 or 2 workdays for short-term prisoners, a week for longer term prisoners.

c. Logistical release planning must begin soon enough to allow for completion of all details, and prepare prisoners for their release date. It includes matters such as cleaning and pressing, or laundering of uniforms. If the prisoner is to return to civilian life upon release, appropriate civilian outer clothing shall be provided, if needed. See article 8213.6 of this manual.

d. Leave pending completion of appellate review may be required for certain personnel whose sentences include an unsuspended punitive discharge. Procedures are set forth in article 1050.310-340 of reference (o), BUPERSINST 1900.8B (Navy); and reference (i) (Marine Corps).

e. Payment of a discharge gratuity and furnishing of civilian clothing to personnel being discharged shall be per article 1910.228 of reference (o) (Navy) or MCO P1900.16F (Marine Corps).

f. Prisoners sentenced to confinement of 30 days or less (temporary additional duty (TEMADD)) shall be immediately returned to their parent command upon release.

g. Navy prisoners sentenced to 31 days (TEM DU) confinement or more shall be transferred to the TPU or command operating the confinement facility on a "confinement and further disposition basis". (See article 1640.070 of reference (o)). If the sentence does not include an unsuspended punitive discharge, or if the member is not facing mandatory processing for administrative separation, then the CO shall make such personnel available to NAVPERSCOM (PERS-4) by message at least 3 weeks prior to the normal release date. Follow-up procedures shall be established by the confinement facility to ensure orders are available at the time of the individual's release, and the member shall proceed directly from the confinement facility to assigned duty station.

h. Confinement facilities shall ensure appropriate Victim/Witness Assistance Program notifications are accomplished, per article 8307 of this manual and reference (p) upon release.

i. 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 upon release.

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, the inventory form (or locally produced form). The custodian shall then write or stamp, "Account closed on (date) " on the form.

5. Release Dates

a. 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 chapter 9. Prisoners, except those serving the punishment of B&W or DIMRATS, shall be released during normal work hours.

b. To facilitate administration, a prisoner whose release date falls on a Saturday, Sunday, or national holiday shall have all necessary administrative procedures completed at least by the workday immediately preceding such days; however, the release will be effected on the actual date of completion of confinement. When a prisoner is to be released on a weekend or a holiday, the prisoner's command is to be notified during the week prior to the prisoner's release.

c. Any prisoner serving a sentence to B&W or DIMRATS shall serve the entire portion imposed unless it is remitted or suspended. These prisoners will be released on Saturdays, Sundays, and holidays, as applicable, and shall be released to a command representative on the normal release date.

d. No prisoner shall be held in confinement beyond the normal release date.

e. Prisoners may be temporarily retained in a prisoner status beyond their minimum release date (MRD) provided the prisoner has GCT or abatement to forfeit and the prisoners agree in writing to remain voluntarily in confinement for the period desired. Such action will be taken only in rare cases.

SECTION 4. TRANSFER AND TRANSPORTATION OF PRISONERS

7401. TRANSFER REGULATIONS

1. Authorization

a. Transfer of detainees between confinement facilities is not authorized except when transient individuals are being held for further transfer back to or near their parent command or the command to which assigned for disciplinary action. Exceptions to this rule are if an individual's life or safety is seriously threatened or if the court-martial is to be held in a different location from where the detainee is presently confined and there is a confinement facility closer to this locale than the present place of confinement. Request for a transfer to accommodate a court-martial must originate with the parent command of the detainee and the parent command must bear the cost of all expenses, including escort expenses, involved in effecting the transfer. Intra-claimancy transfers require approval of NAVPERSCOM (PERS-68).

b. Transfers will not ordinarily be made when legal or administrative action is pending against a prisoner.

c. Transfer of a prisoner to the initial confinement facility constitutes authority for transfer and issuance of TEMADD orders to escorts.

2. Expenses

a. Accounting Data for Escorts. Funding for Navy escorts shall be per reference (o) and article 075183 of reference (m). Navy escort costs are the responsibility of the activity transferring the prisoner. Funding for Marine Corps escorts shall be per reference (i).

b. Accounting Data for Prisoners. Accounting data for permanent change of station orders for travel of adjudged or sentenced prisoners will be taken from BUPERSINST 7040.6 and per reference (o) for Navy prisoners and reference (i) for Marine Corps prisoners.

3. Confinement Enroute for Further Transfer. Returned absentees, deserters, and courts-martial prisoners received in

transit for further transfer to another confinement facility shall not be joined to the rolls of the command at intermediate stops. A prisoner treatment file need not be prepared for transient prisoners. Transient prisoners who are improperly clothed and will be exposed to public view in the course of their transportation shall be clothed per service regulations.

7402. COORDINATION WITH RECEIVING COMMAND. Transportation of prisoners between naval confinement facilities shall be closely coordinated to effect safe transfer. Transfer of prisoners must be accomplished in the most inconspicuous manner possible.

1. Authority

a. Transfer of Navy prisoners will be per instructions provided by NAVPERSCOM (PERS-68).

b. Transfer of Marine Corps prisoners will be coordinated by CMC (PSL Corrections).

2. Procedures

a. Transportation will be arranged to avoid arrival at the destination outside normal work hours, except in unusual circumstances. Advance notice shall be furnished to the receiving command to arrange for efficient reception processing of prisoners and for any logistical support required by the escorts. Transfer details shall be confirmed at least 24 hours prior to shipment.

b. Unless the receiving confinement facility non-concurs, prisoner turnovers are made at the receiving confinement facility. Senior escort shall, and other escorts may, as required, remain with the prisoners until they are received for by the receiving confinement facility.

c. Transferring confinement facility shall utilize DD 2708, Receipt for Inmate or Detained Person. An original DD 2708 and two copies will be prepared. One copy is retained by the transferring confinement facility, and the original and one copy accompany the shipment. A signed receipt is retained by the transferring confinement facility, and the second signed copy is returned to the receiving confinement facility. Original copy of prisoners confinement orders shall accompany their record.

There is no necessity for a new physical examination unless the receiving confinement facility has reason for cause. If the receiving confinement facility desires a new physical, it shall be that confinement facility's responsibility to obtain the physical, provide the escorts, and originate the paperwork necessary to obtain the physical.

d. Transferring confinement facility shall make a copy of the prisoner file to assist in inquiries received after transfer or in case the prisoner file is lost or destroyed in transit. Original prisoner file, to include treatment file, shall accompany the escorts for delivery to the receiving confinement facility.

7403. TRANSFER FROM PARENT COMMAND

1. Navy prisoners whose adjudged sentence to confinement is 30 days or less (TEMADD) without a punitive discharge will be returned to their parent command upon completion of confinement.

2. Navy prisoners whose adjudged sentence to confinement is 31 days or more (TEMDDU) confinement shall be transferred to the command operating the confinement facility on a "confinement and further disposition basis." NAVPERSCOM will normally return such prisoners to their original command, unless the member's command requests otherwise or the member has a punitive discharge.

3. Marine Corps personnel serving a sentence are normally returned to their parent command upon release. Reference (i) provides further guidance for the transfer of Marine Corps prisoners.

7404. MEANS OF TRAVEL

1. Government Air. Maximum use shall be made of spaces available on military aircraft including Air Mobility Command (AMC), administrative, proficiency and reserve training flights. Where available, transportation provided by U.S. Marshals Service will be coordinated by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Military air and vehicular transportation of MAX custody personnel is preferable to commercial air transportation.

a. General Provisions

(1) MAX custody prisoners may not be mixed with MDI/O or MIN custody prisoners.

(2) Passenger service officer will be furnished a manifest listing at least 24 hours prior to movement. This list will contain the name, grade, and social security number of all prisoners and escorts and marked For Official Use Only. If there exists other data that might affect the security of the movement, it will be made known to the passenger service officer at this time.

(3) All prisoners will be briefed by senior escort on proper procedures and conduct aboard AMC aircraft.

(4) Prisoners in a patient status will normally be transferred by aero-medical evacuation, per OPNAVINST 4630.9C, and MCO P4630.9A. Two escorts will normally accompany each MAX custody prisoner patient while in the aero-medical evacuation system.

(a) Aero-medical evacuation control center, in consultation with the originating physician, will determine the implementation of other policies in this manual affecting the movement of a prisoner in a patient status; however, such determinations will be consistent with security and good order. Medical crew director is responsible for supervising the control of confined patients aboard aero-medical aircraft.

(b) Prisoners determined to be psychotic will normally be moved in a patient status. If aero-medical evacuation is not available, psychotic prisoners may be moved as a MAX custody shipment, and if deemed necessary, with four escorts assigned to each prisoner.

(c) Prisoners under medication shall have their medication prescribed by qualified medical personnel before transfer. Medication with written directions as to time and quantity of dosage (sufficient for the length of time enroute plus 24 hours after arrival at destination) shall be given to the prisoner escort. Escort shall supply prisoner with medication per medical directions. Excess medication will be

delivered to the command receiving the prisoner and so receipted.

(5) Before embarkation, all escorted prisoners will be thoroughly inspected and relieved of articles considered hazardous to the safety of themselves, to others, and to the aircraft. Senior escort will retain custody of those articles which, although contraband, are not considered hazardous to the aircraft. Prisoners' baggage will also be inspected thoroughly prior to loading on the aircraft.

(6) Area approaching the flight deck or crew compartment will be declared off limits to prisoners. If configuration of the aircraft permits, a separate head shall be designated for use by prisoners. Prisoners will remain in their seats at all times except as may be necessary to use the head. No more than one prisoner will be allowed to move to the head at any time.

(7) Escort personnel will be thoroughly briefed on their responsibilities and procedures and a seating plan developed to ensure maximum surveillance of prisoners and security.

(a) Escorts of MAX custody prisoners may retain their weapons and ammunition when authorized by competent authority and approved by the aircraft commander. Otherwise escort personnel will be unarmed at all times. Their weapons and ammunition will be stored in a locked container not accessible to the prisoners.

(b) Each prisoner escort will be equipped with one set of handcuffs. Normally, handcuffs will be removed while the aircraft is in flight; however, unruly or dangerous prisoners may be restrained with handcuffs while in flight. Prisoners will not be handcuffed to any portion of the aircraft.

b. MAX Custody Requirements

(1) Two escorts will be furnished for each prisoner.

(2) In cases where more than one MAX custody prisoner is being moved to the same destination, and trained Army/Marine Corps Military Police, AF Security Police, Navy Master-at-Arms rates, or corrections personnel are used as escorts, this requirement may be reduced to one escort per

prisoner plus one escort in charge. Following additional requirements apply:

(a) One chief petty officer (CPO), senior non-commissioned officer (SNCO), or above, in charge for five to nine prisoners plus one additional escort.

(b) One officer or one CPO/SNCO in charge per 10 or more prisoners plus one additional escort.

(3) No more than two MAX custody prisoners are moved on a single flight.

(4) MAX custody prisoners will be escorted at all times by two escorts when it is necessary for them to leave their seats.

(5) At a minimum, each prisoner will be handcuffed during flight operations. Additional restraints (e.g., leg, waist/hand irons) may be used based on the assessment of the prisoner's escape risk or danger to themselves or others.

(6) Removal of restraints is permitted only when the escort determines such action is not detrimental to the safety and security of the aircraft and its passengers. Handcuffs are removed only long enough to use the head facilities, eat a meal, or complete other actions deemed necessary by the escort(s).

c. MDI/O Custody Requirements

(1) One escort per two prisoners.

(2) When trained Army/Marine Corps Military Police, AF Security Police, Navy Master-at-Arms rates, or corrections personnel are used as escorts, this requirement may be reduced to one escort per four prisoners plus one escort in charge. Following additional requirements apply:

(a) One E-6, or above, in charge per five to 14 prisoners, plus one additional escort.

(b) One officer or one CPO/SNCO in charge for 15 or more prisoners plus one additional escort.

(3) MDI/O prisoners will be escorted at all times when it is necessary for them to leave their seats.

(4) When the size of the group warrants additional restraints, restraints are authorized.

d. MIN Custody Requirements

(1) One escort per five prisoners plus one escort in charge.

(2) One E-6, or above, in charge shall be provided per 10 or more prisoners plus one additional escort.

(3) MIN custody prisoners do not require escort while moving about the aircraft; however, they will be monitored at all times.

(4) MIN custody prisoners need not be restrained.

2. Commercial Air. Chartered commercial air shall be used to transport groups of prisoners whenever possible. Groups of more than eight prisoners will not be transported on regularly scheduled flights. Federal and State laws, airline regulations and instructions issued by DOD and Department of Transportation (DOT), must be adhered to in relation to the use of armed guards, carrying of weapons, number of escorts required, etc., on commercial aircraft.

a. General Provisions

(1) At least 24 hours prior to boarding prisoners on commercial aircraft, the person in charge will coordinate, with a responsible representative of the air carrier, i.e., duty supervisor in charge of passenger service, the pending transfer of prisoners and plans for complying with specific air carrier requirements. Air carrier will be notified of the identity of the escorted person(s) and the flight on which the prisoner(s) will be carried.

(2) Commercial transportation shall not be used in those cases where the CO has determined that a prisoner is a threat to safety of others or that the escape risk is such that the arming

of the escort and the use of restraining devices are necessary to assure delivery.

(3) Senior escort will assure air carrier the escorted prisoner has been inspected, and the escort has adequate restraining devices that can be used in the event the escorted prisoner needs to be restrained during flight.

(4) Escorts will request seating for the prisoners and themselves in the rearmost passenger seats that are not located in a lounge area or next to or directly across from any aircraft exit. At least one escort will be seated between the prisoner and the aisle.

(5) Escort personnel shall be thoroughly briefed on their responsibilities, procedures, and the seating plan to ensure maximum surveillance and control of prisoners.

(6) Prisoners will remain in their seats at all times except to use the head facilities. No more than one prisoner will be allowed to move to the head at any one time. They will be escorted and kept under surveillance during trips to the head.

(7) Escorts will inspect and authorize food, beverages, and eating utensils provided by the airlines to escorted prisoners.

(8) Neither the escort nor the prisoner will drink intoxicating beverages.

(9) Escorts and prisoner(s) will request to board before all other passengers and will deplane after the terminating passengers leave the aircraft.

b. Specific Provisions

(1) Each prisoner considered dangerous, or in a MAX custody status, will be escorted by two or more escorts and adequately restrained throughout the flight. No more than one dangerous or maximum custody prisoner shall be transported on the same scheduled commercial aircraft.

(2) MDI/O custody will require one escort per prisoner plus one escort in charge unless an exception is granted in writing by the CO. No more than five MDI/O custody prisoners will be transported on the same commercial aircraft.

(3) No more than eight prisoners (total) will be transported on the same commercial aircraft.

3. Rail and Bus. Use of rail or bus is authorized; however, these are not considered as desirable as air transportation because of the distances, time involved, need for additional escorts, the undesirability of exposing the prisoner to public view, and security risk involved at each stop. If the size of the drafts warrant, a chartered bus has many advantages. Chartered buses shall be equipped with a toilet to eliminate comfort stops with resulting display of prisoners to public view and the inherent security risk involved. Box lunches are recommended to eliminate stops for meals.

4. 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.

5. Prisoners from Overseas. Prisoners from overseas shall be transported by naval vessel or military aircraft, if space is available, under the same escort requirements cited in article 7404.1 of this manual. Qualified and trained escorts shall be assigned prisoners being returned to CONUS. Prisoners shall be delivered to the command located at or near the port of entry that operates a naval confinement facility as a part of their assigned tasks.

7405. ESCORTS

1. Requirements. Prisoner transfers will be performed only by personnel who have had specialized training and experience in escort duty. Escorts have specific responsibilities for the secure custody and safe delivery of prisoners. Clear and detailed written instructions shall be provided escorts to ensure proper delivery. Escorts shall be carefully selected for maturity and ability to handle emergencies. They shall be thoroughly indoctrinated prior to assignment. Commands with

frequent prisoner movements shall provide a pool of escorts and formalize their training and each trip shall include at least one escort who has been over the same route by the same transportation. When transporting maximum security or serious behavior problem prisoners, BRIG O shall recommend a member of the staff who knows the prisoners be included in the group of escorts. In all cases at least one escort will be of the same gender as the prisoner. Medical personnel shall be included as an escort in transporting a prisoner who is envisioned as needing medical care. When transporting an officer prisoner at least one escort will be an officer of equal or higher rank than the officer prisoner, or as directed by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

2. Outside Appointment Escorts. Escorts are required to escort prisoners to outside appointments and will be provided either as part of the confinement facility staff or by the activity requesting prisoners for trial or administrative and legal appointments. Requesting activity shall provide their own escorts, properly trained and qualified per article 7406 of this manual. Prisoner escorts will not be required to carry nightsticks or other weapons.

3. Cross-country Escorts. Confinement facility personnel (in Navy facilities) shall not be used to pick up or deliver stragglers, absentees, or deserters. For Marine Corps, these duties are normally performed by Marine Corps Corrections Specialists assigned to the Marine Corps Absentee Collection Center.

4. Armed Escorts. Arming of escorts and use of instruments of restraint in the transfer of prisoners shall be avoided except in case of MAX custody prisoners whose escape has been determined as posing a threat to life, personal injury, or destruction of property. With specific approval of the CO, prisoners may be placed in restraint and under armed escort when it has been determined the following procedures, in order of precedence, will not suffice:

a. Assignment of additional escorts within feasible limits. Prisoners not under restraint and escorts unarmed.

b. Utilizing restraining devices appropriate to the circumstances. Escorts will be unarmed.

c. Under no circumstances will escorts be armed unless restraining devices are being used and proper authority decides armed escorts are needed. When firearms are carried they must be kept in a safe and secure place or on the person of an escort. Firearms must not be carried by an escort within a car, bus, aircraft, or train unless positive precautions have been taken to ensure avoidance of contact between prisoner and escort (unless otherwise directed by the Transportation Security Administration (TSA) directives). Escorts aboard regularly scheduled airlines will be armed only for high-risk prisoners and must comply with Federal Aviation Administration (FAA), military and airline regulations.

5. Ratio. Guard/prisoner ratio shall be determined by the transferring command. Ratio shall be based on the custody classification of the prisoner being transferred and type of transportation to be used, according to the preceding guidelines.

6. Restraint. Under no circumstances shall a prisoner be restrained by being secured to any portion of any type of transport.

7. 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 items. Items prisoners must not have in their possession are identification cards, money, sharp instruments, tools, keys, etc. Supervision must be continuous during transportation to prevent the prisoner from obtaining contraband items that may aid in taking hostages or hijacking the vehicle used. Senior escort shall be present when prisoners are dressed out. No part of the body where contraband might be concealed is to be overlooked. Hair, mouth, between the fingers and toes, soles of the feet, as well as all bandages, dentures, custom-built shoes, canes, crutches, artificial arms and legs, etc., will be thoroughly inspected. When the inspection is completed, an entirely different outfit of inspected clothing shall be furnished. Great care must be taken to ensure the prisoners do not acquire any unauthorized items after the inspection has been completed.

8. Illness Enroute. In the event a prisoner becomes ill enroute with no medical assistance available, arrangements shall

be made for examination by a qualified medical officer as soon as possible. If the prisoners are unable to continue the trip, they shall be taken in order of preference to the nearest military hospital, Federal hospital, or civilian hospital and a receipt obtained for the prisoner. Escort shall immediately contact the command, from which the prisoner is being transferred, for further instructions.

9. Loss of Prisoner in Transit

a. Death. If a prisoner shall die in transit, notify the driver, conductor, or pilot immediately. Coroner, Federal Bureau of Investigation (FBI), nearest available law enforcement agency, and naval authorities shall be notified as soon as possible. Notify NAVPERSCOM (PERS-68) regarding the death of a Sailor and CMC (PSL Corrections) regarding the death of a Marine.

b. Escape. If a prisoner escapes while being transferred, the senior escort will exhaust resources immediately available in apprehending the prisoner, then take immediate action to contact the nearest law enforcement agency. Under no circumstances shall supervision of other prisoners be relaxed in order to pursue an escaping prisoner.

10. Trip Report. A written report shall be submitted by the senior escort at the conclusion of the trip if anything unusual occurred during the trip. This report shall be submitted to the CO/OIC of the confinement facility.

7406. ESCORT TRAINING. Escorts from the confinement facility staff shall receive the same training as all other staff members. Escorts furnished by other commands shall be trained and certified as qualified by the brig training supervisor prior to assumption of duties. A specialized training course consisting of not less than 1 nor more than 2 days, 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. A NAVPERS 1640/18, Prisoner Escort Identification Card (or locally produced form), shall be issued upon completion of training. Annual re-certification is

required and certification may be revoked at the CO/OIC/CPOIC's discretion.

7407. TRANSFER OF LONG-TERM PRISONERS

1. Transfer to a Military Level III Confinement Facility

a. Consolidation of Corrections Within DOD. Secretary of the Army has been designated as Executive Agent for incarceration of DOD military Level III prisoners. In most cases, U.S. Disciplinary Barracks (USDB), Fort Leavenworth, KS, will be the designated place of confinement for those Level III male prisoners who will remain under military control; NAVCONBRIG Miramar is designated as DOD Level III place of confinement for female prisoners.

b. Criteria. Criteria concerning transfer of Level III prisoners will be issued by DOD Directives and policy issued by NAVPERSCOM (PERS-68) and CMC (PSL Corrections). Requests for transfer of a prisoner from a confinement facility to Level III confinement will be forwarded to NAVPERSCOM (PERS-68) and CMC (PSL Corrections), as appropriate, for coordination.

2. Transfer to the Federal Bureau of Prisons (FBOP). Transfer of prisoners to the FBOP will be on a case-by-case basis. (Note: National Security Prisoners shall be maintained in military confinement facilities unless, in a given case, SECNAV 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. Secretary of the Army (DAMO-ODL), as Executive Agent for Level III corrections, will coordinate all transfers of military prisoners to the FBOP.

b. Procedures. Requests for transfer of a prisoner from a confinement facility to the FBOP will be forwarded to NAVPERSCOM (PERS-68) and CMC (PSL Corrections), as appropriate, for coordination.

c. Records. Transfer of records will be directed by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

d. Personal Property. Personal property will not accompany prisoners while they are being transferred to the FBOP. Personal property is limited to essential items only and will be mailed directly to the designated institution. These items shall fit into a cardboard box no larger than 15"x12"x10". All other personal property is to be shipped home by the prisoner.

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 CO/OIC of a confinement facility determines a post-trial prisoner suffering from a mental disease or defect requires inpatient psychiatric care or treatment beyond what is available at the facility or from the local medical command, the CO/OIC will notify the prisoners in writing of their intention to seek transfer of the prisoners to the custody of the Attorney General for care and treatment in a suitable facility. NAVPERSCOM (PERS-68) or CMC (PSL Corrections) will be immediately notified.

c. Action on Preliminary Determination

(1) Once a prisoner is provided the notice prescribed in article 7407.3b of this manual, the CO/OIC of the confinement facility shall request the area General Court-Martial Convening Authority (GCMA) 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. Request will state the factual basis for the CO/OICs determination that the prisoner requires care or treatment beyond that available at the confinement facility or local medical command and will include all relevant documentation (e.g., sanity board results, psychiatric evaluations, medical treatment files, correctional treatment records, etc.) which provide the basis for the determination.

(2) GCMA may:

(a) Disapprove the request for good cause.

(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) Convening authority's letter will be forwarded to the local NLSO and Trial Service Office (TSO)/Base Judge Advocate/Circuit Military Judge and will state:

(a) Presiding official will be an officer designated, certified, and sworn as a military judge authorized to try general courts-martial.

(b) Prisoner will be represented by a judge advocate qualified, certified, and sworn to serve as trial or defense counsel at general courts-martial.

(c) Interests of the Government will be represented by a judge advocate designated by the TSO/Base Judge Advocate.

(4) Circuit military judge will detail a military judge for the hearing. Upon detail, the military judge will schedule a hearing date, affording reasonable notice to counsel and the prisoner.

(5) Local NLSO/Base Judge Advocate will detail counsel for the prisoner.

(6) Local TSO/Base Judge Advocate will detail:

(a) Government counsel (if required).

(b) Court reporter.

d. Hearing Procedures

(1) Prisoners will be afforded the following rights in connection with the hearing:

(a) Timely written notice of the hearing and of their 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.

(e) Written findings.

(2) At the hearing, the military judge will advise the prisoners or their personal representative or attorney, if the prisoners are unable to make a knowing and intelligent acknowledgment of their rights, that:

(a) Purpose of the proceeding is to determine whether the prisoners suffers from a mental disease or defect that requires inpatient psychiatric care or treatment beyond that available at the confinement facility.

(b) If the Government establishes by the preponderance of the evidence that the prisoners suffers from such a mental disease or defect, the prisoners may be transferred to the custody of the Attorney General for care and treatment in a suitable facility.

(c) Prisoners have the procedural rights enumerated in paragraph 3d(1)(a) through (e) above.

(3) Both the Government and the prisoners will then be afforded the opportunity to present evidence regarding the present mental condition of the prisoners 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 Rules of Evidence do not (other than Military Rules of Evidence 301-303 and 501-507) apply. Evidence will 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) Hearing officer will 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 confinement facility. Hearing officer will make specific written findings, to include a brief statement of the factual basis relied upon for each finding, and will 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 will be prepared. All exhibits offered in evidence will be attached to the hearing record in the manner normally employed in trial by court-martial.

e. Action upon the Record. GCMA will 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 will be transmitted to the confinement facility CO/OIC for retention in the prisoner's brig file. If transfer is approved, the hearing record will be forwarded to the Attorney General as coordinated by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

f. Transport of the prisoner to the FBOP will be coordinated between the FBOP and NAVPERSCOM (PERS-68) or CMC (PSL Corrections), as appropriate.

7408. TRANSFER OF PRISONER RECORDS, FUNDS AND VALUABLES, AND PERSONAL PROPERTY

1. Records

a. Documents required for transfer are contained in article 7402.2d of this manual. In addition, the most recent progress report and a copy of the transfer order will be forwarded to the respective service clemency and parole board. Transferring confinement facility shall make a copy of the prisoner file to assist in inquiries received after transfer or in case the prisoner file is lost or destroyed in transit. Original prisoner file, to include treatment file, and health and dental records, shall accompany the escorts for delivery to the receiving confinement facility.

b. Victim Witness Assistance Program (VWAP) record, as required per reference (p), and MCO P5800.16A, shall be combined

with the brig records above; however, the VWAP record shall be placed in a sealed envelope with the notation "Not Releasable Without Permission of NAVPERSCOM (PERS-68) or CMC (PSL Corrections)." CO/OIC receiving record will ensure proper safeguard and delivery of VWAP records to the appointed VWAP Coordinator.

2. Procedures. Prisoner records required by above article shall be collected by the confinement facility and delivered to the senior escort prior to departure. Place all records in an appropriately sealed envelope marked "For Official Use Only". Print the prisoners name, social security number, point of departure, and destination on the outside of the envelope. Record contents on a NAVPERS 5000/64, Records Transmittal Form, 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 confinement facility (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.

3. Funds and Valuables. Funds and Valuables of prisoners being transferred shall be inventoried by the custodian or assistant of the confinement facility, 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 confinement facility 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, social security number, 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.

4. Personal Property. Personal property of prisoners shall be inventoried on NAVPERS 1640/17, Prisoner Inventory and Receipt Personal Effects and Uniform Clothing (or locally produced form), 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, social security

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number, 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.

5. Receipts. 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 facility 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.

CHAPTER 8
ADMINISTRATIVE MATTERS

SECTION 1. RECORDS AND REPORTS

8101. GENERAL

1. Purpose. Records are maintained to provide accurate, current, and readily available information on individual prisoners and on the corrections operation. Reference (n) governs creation, use, maintenance, and disposition of records. Disposition for completing standardized forms and reports must also be followed. Unauthorized destruction of records is subject to criminal penalty.

2. Security. All prisoner files are private and only personnel who have a need to know certain information in the performance of their official duties may have access to a given file or piece of information. This shall in no way impede the flow of information to staff involved in the supervision, training, or evaluation of prisoners. Under no circumstances shall prisoners be assigned to functions where they have access to files or information about other prisoners.

3. Copies. Various functional units within the confinement facility 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., will ensure all records are sent to the administrative office when a prisoner is released or when the record is no longer required.

8102. PRIVACY

1. Privacy Act. All personnel will be familiar with the provisions of the Privacy Act and Freedom of Information Act Program. SECNAVINST 5720.42F, reference (n), and appendix B refer. A Privacy Act statement is not required for every form or personal/telephone interview but only for those in which the individual is asked to furnish personal information to be included in a system of records. For the purpose of determining whether a Privacy Act statement is required, "personal

information" is defined as information about an individual that is intimate or private to the individual, as distinguished from information related solely to the individual's official function.

2. Request for Information. A Privacy Act statement will be requested before soliciting information for DD 2710, Inmate Background Summary, and FD-249, Arrest and Institution Fingerprint Card. In addition to these, a Privacy Act statement must accompany a request for clemency or waiver of restoration. SECNAVINST 5720.42F, appendix B, and references (n) and (p) provide requirements pertaining to the release of information.

3. Prisoner Files. Prisoner files fall under a general exemption from release per the Privacy Act of 1974, 5 U.S.C. 522a(j)(2). Requests by prisoners or their representatives, e.g., attorney, for any portion of their record, will normally be denied under the (j)(2) provisions of the Privacy Act and then processed under the provisions of the Freedom of Information Act (FOIA).

8103. PRISONER FILES AND RECORDS

1. Prisoner File. Unless specifically authorized by NAVPERSCOM (PERS-68) OR CMC (PSL Corrections) to allow for split records, an individual file shall be maintained for each prisoner in the facility. Documents shall be placed in the file as shown below.

- Section 1. - DD 2707, Confinement Order
- Court-martial Order
- One copy of FD-249, Suspect Fingerprint Card
- DD 2710-1, Prisoner Sentence Computation, or CORMIS electronic equivalent
- Report of Results of Trial
- Charge Sheet
- Pretrial Agreement Data
- Report of Investigation (ROI)
- Court-martial review actions
* - DD 2718, Inmate's Release Order
- DD 2709, Privacy Act Statement

- Section 2. - DD 2710, Inmate Background Summary
- DD 2711, Initial Custody Classification
- DD 2711-1, Custody Reclassification

- DD 2711-2, Custody Initial/Reclassification Summary Addendum
 - NAVPERS 1640/15, Mail and Visiting List
 - DD 510, Request for Interview
 - DD 2715, Clemency/Parole Submission
 - DD 2716, Parole Acknowledgement Letter
 - DD 2716-1, DOD Certificate of Parole
 - DD 2717, DOD Voluntary/Involuntary Appellate Leave Action
 - DD 2715-3, Inmate Restoration/Return to Duty, Clemency and Parole Statement
 - Letters disapproving visitors/correspondence
 - Prisoner refusal to accept mail
 - DD 2715-2, Inmate Summary Data
 - DD 2719, Continuation Sheet
 - DD 2715-1, Disposition Board Recommendation
 - Copies of all board recommendations and actions
- Section 3.
- NAVPERS 1640/8, Prisoner Conduct Record (or locally produced form)
 - DD 2714, Inmate Disciplinary Report
 - DD 509, Inspection Record of Prisoner in Segregation
 - DD 2712, Inmate Work and Training Evaluation
 - DD 2713, Inmate Observation Report
 - Incident Report (locally produced)
 - Certification of Fitness for Disciplinary Segregation/Special Diet (locally produced)
- Section 4.
- Miscellaneous
 - DD 504, Request and Receipt for Health and Comfort Supplies (copy)
 - NAVMC 604, Request for Clothing and Equipment
 - * - NAVPERS 1640/17, Valuables and Personal Effects Inventory Receipt
 - DD 2708, Receipt for Inmate or Detained Person
 - Command Visitation Record (locally produced)

*Indicates forms which may not be placed in the prisoner file until release is effected.

2. VWAP File. A VWAP file shall be maintained separately by the appointed VWAP Coordinator on all applicable prisoners, per DODD 1030.1 of 13 April 2004 and reference (p). At a minimum, following documents will be maintained:

- a. DD 2704, Victim/Witness Certification and Election Concerning Inmate Status.
- b. DD 2705, Victim/Witness Notification of Inmate Status
- c. Copies of any correspondence.
- d. Records of certified mail.
- e. Record of telephone contacts.

3. Sexual Offender Registry File. A sexual offender registry file shall be maintained separately by the appointed staff member on all prisoners convicted of covered offenses, as per reference (s). Upon release or transfer, this file becomes a part of the prisoner file. At a minimum, following documents will be maintained:

- a. DD 2791, Notice of Release of Military Offender Convicted of Sex Offense.
- b. DD 2791-1, Prisoner's Acknowledgement of Sex Offender Registration Requirements.
- c. Copies of any correspondence.
- d. Record of telephone contacts.

4. Reactivation. Prisoner files in storage and scheduled for disposal may be reopened when a former prisoner is returned for confinement. All information shall be updated. When determined a prisoner has been previously confined in a naval confinement facility and the location is known, a request may be made to the CO/OIC of that facility for the prisoner file.

8104. LOGS. All logs maintained by the facility shall be bound ledgers with sequentially numbered pages, and maintained in chronological order. Where confinement facilities and CCUs are co-located, consolidated logs are authorized.

1. Brig Log. Brig log is a permanent daily record of the operation of the confinement facility. It is maintained by the control center supervisor on duty and will 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.
- i. Any unusual occurrences.

2. Medical Log

a. Medical log is a permanent brig record, with entries made in chronological order. Entries shall be made by medical personnel, showing prisoner's name, social security number, date of treatment, nature of complaint, treatment administered and marked "For Official Use Only". It shall be signed by the person administering treatment. Prisoners shall not be given access to this log.

b. All medication issued will be properly documented on a NAVMED 6550/8, Medication Administration Record, per reference (1), or a locally modified version of this form. See appendix B. Maintain a medication file on each prisoner. This form, when filled out contains information which is "For Official Use Only" and shall only be available to staff and the prisoner whose name is on the form. Disposition of the form upon transfer or release shall be per reference (1).

3. Visitors Log. A record of each visit to a prisoner shall be made in the visitors' log. Entry shall show date of visit, time

in and time out, printed name, address, and signature of the visitor (or sponsor), name of person visited, signature or initials of the staff members who admit and release the visitor, and the identity verification source presented (e.g., driver's license, etc.).

a. At a minimum, verification of identity presented shall include visitor's name, photograph, and date of birth. Policy for visitors under the age of 18 shall be published by local policy.

b. When authorized by the CO/OIC/CPOIC, a record may be kept of exchanges of mail and visits using NAVPERS 1640/15, Mail and Visiting List.

4. Privileged Correspondence Log. A record of all outgoing and incoming privileged correspondence will be maintained. This log will show date received/mailed, addresser, addressee and 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 will be recorded in this log. See article 8301.8.

5. Disciplinary Log. A disciplinary log shall be maintained to record each disciplinary report, to include dismissed reports, and the action taken. Log shall contain entries showing the date of the offense, prisoner's name, social security number, 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. Disciplinary log shall be submitted weekly to the CO for review and signature.

8105. CONFINEMENT ORDER

1. Policy. DD 2707, Confinement Order, is a basic component of each prisoner record and is the legal authority effecting confinement. Except in emergency where oral confinement is properly directed, no person shall be confined without a written order of confinement, with the offense(s) indicated, and signed by an individual authorized to direct confinement. If the

confinement is initially effected without a written order, the written order shall immediately follow the confinement. Refer to reference (c), R.C.M. 304(d).

2. Procedures

a. No members of a confinement facility staff shall refuse to receive or to keep any prisoner committed to their charge by an officer of the Armed Forces when the committing officer furnishes a statement, signed by them, of the offense(s) charged against the prisoner. A confinement order signed by the duty officer, officer of the day, or other officer designated by the CO may authorize confinement.

b. Order shall clearly identify the individual to be confined and show the offense(s) of which accused or convicted, such as:

"Article 80, Attempted escape from confinement."
"Article 86, U/A 3 June - 26 July 80 (53 days)."
"Article 91, Strike CPO w/fist."
"Article 92, Failed to obey lawful order."
"Article 121, Larceny-\$51 from locker."
"Article 134, Disorder and damage to government property."

c. Confining commands must complete the offense portion of the order, since the offense often dictates security requirements.

d. "Safekeeping" and "protective custody" are not legal reasons for confinement, and no individual shall be accepted for confinement with either of these listed in lieu of a UCMJ charge.

e. When results of a court-martial change the basis for confinement, a report of results of trial signed by the trial counsel shall be prepared, as appropriate, reflecting the change of status. This results of trial shall be delivered to the confinement facility at the time the prisoner is returned to the confinement facility from the court-martial.

f. Except for pretrial confinement, the confinement orders shall show the date confinement is directed, if other than the

date adjudged, and by what authority imposed. If B&W/DIMRATS under non-judicial punishment is imposed and deferred (not to exceed 15 days), it shall show date imposed, date the punishment is to begin, and reason for deferment. If the confinement is imposed as a result of the sentence of courts-martial, confinement order shall be accompanied by a report of results of trial, signed by the trial counsel of the special or general court-martial, or the summary court-martial officer, that adjudged the sentence and will reflect any pretrial agreement reached.

8106. PRISONER IDENTIFICATION BADGE

1. Policy. All prisoners shall wear a prisoner identification badge (locally produced) pinned over the left breast pocket on their outer garment. Only exceptions to this requirement shall be IC custody prisoners when they are outside the confinement facility and segregated prisoners in their cells. No other visual form of identification is permitted except when specifically authorized by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Display of the full SSN is not authorized.

2. Procedures. Four prisoner identification badges, with photograph, will be prepared during initial processing and as otherwise required, as follows:

a. Legal status. Appropriately lettered, in the colors indicated below

(1) Detainee - Black.

(2) Prisoner - Blue.

b. Custody classification. Appropriately lettered, in the colors indicated below.

(1) Installation Custody - Brown

(2) Minimum Custody - Green

(3) Medium-Out Custody - Yellow

(4) Medium-In Custody - Orange

(5) Maximum Custody or Special Quarters - Red

c. SSN. If used, abbreviated (last four).

d. Photograph. Attach full-face photograph. Prisoner shall not wear a cap or glasses. Grooming standards shall apply, as per article 5202 of this manual. A new photo shall be taken annually.

e. Service branch. Prisoner's branch of service shall be depicted on the badge. Discharged prisoners shall reflect discharge status, e.g., BRANCH OF SERVICE/DISCHARGED. Civilian prisoners shall reflect "CIV".

f. Name. Last name and initials.

3. Distribution. Four badges will be made during intake. Original shall be issued to the prisoner and worn in the prescribed manner. Second copy shall be maintained in the control center. Third copy shall be maintained by the quarters supervisor. Fourth copy shall be maintained in the prisoner file. Where possible, badges shall be organized to match the berthing configuration.

4. Security. Strict control shall be maintained over the 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 prisoner record for future reference.

5. Name Change. If a prisoner's name is officially changed per applicable references, the confinement facility shall continue to use a prisoner's committed name until the time the prisoner is legally released from confinement. Exceptions to this policy will be forwarded to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) with supporting justification. Staff will call prisoners by their committed names, and prisoners will be instructed they must answer when called by their committed names. Name tags will bear a prisoner's committed name;

however, an "also known as" (AKA) prisoner file will be established in the administration records office. This AKA file will be cross-referenced with the file bearing the prisoner's committed name. Mail, visitors, and official business will be accepted under either name.

8107. DAILY CHANGE SHEET

1. Policy. Daily change sheet is prepared to indicate the changes to be effected the next day, or prescribed times, and any emergency changes previously effected on the day of preparation.

2. Procedures

a. Any change of quarters, work assignment, custody classification, or other status shall appear on the change sheet.

b. After all entries for the day have been made on the daily change sheet, it must be authenticated and signed by the BRIG O or designee. Copies will be prepared to allow one copy to be distributed to each staff position supervising prisoners, one copy for the control center (signed original), and one copy for file.

c. Each entry on the daily change sheet shall also be reflected on the individual's conduct sheet, reviewed, and initialed by an administrative supervisor or a designated unit supervisor.

d. After all changes listed on the daily change sheet have been effected, the control center supervisor initials that all changes have been effected and recorded, and returns the original copy to the administration office for filing.

8108. COMPUTER PRINTOUTS. Computer-generated records, where used, of security functions (e.g., cell checks) will be reviewed at the end of each 24-hour period. Discrepancies are to be noted and entries in the brig log will provide information on follow-up actions, if needed. Computer printouts shall be stored until the completion of the next annual inspection, after which they may be destroyed.

8109. CORRECTIONS MANAGEMENT INFORMATION SYSTEM (CORMIS). CORMIS will be utilized in naval confinement facilities (and CCUs when required by NAVPERSCOM (PERS-68) and CMC (PSL Corrections)). CORMIS is designed to increase security capabilities, support operational and administrative functions, and provide current information on prisoners to the confinement facility staff and other users throughout DOD Corrections. CORMIS is coordinated by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Forms generated in CORMIS may be used in place of equivalent DOD forms. Where CORMIS will automatically update corrections files, manual requirements shall be eliminated.

8110. NAVPER 1640/11, MONTHLY REPORT OF PRISONERS

1. Policy. Monthly report of prisoners will be prepared by all confinement facilities each month, whether or not any prisoners were confined there during the month. Facilities providing this information via CORMIS are exempt from this requirement.

2. Procedures. This report shall be submitted directly to NAVPERSCOM (PERS-68) for shore confinement facilities, Echelon 2/3 commands for afloat brigs, or CMC (PSL Corrections) on the first working day following the end of the month covered. The report may be typed on NAVPER 1640/11 or computer generated by CORMIS (Occupancy Report).

8111. DISPOSITION OF CONFINEMENT RECORDS AND REPORTS

1. Confinement Records and Reports. Confinement records and reports of prisoners released or permanently transferred from the confinement facility shall be disposed of as specified by SSIC 1640 of reference (n). Due to the frequent turnover of prisoners, files of prisoners released or transferred will be retained at the confinement facility for 2 years and then grouped and forwarded to the appropriate Federal Records Center (FRC). VWAP files shall not be forwarded to the FRC. VWAP files will be separately maintained by the confinement facility and destroyed 2 years from date of release.

a. FRC Atlanta (1557 St. Joseph Avenue, East Point, GA 30344) is the appropriate FRC for the following:

(1) Ashore confinement facilities under area coordination of Commander, U. S. Atlantic Fleet (COMLANTFLT).

(2) Ashore confinement facilities under area coordination of Commander, U. S. Naval Forces, Europe (COMNAVEUR).

(3) Ashore confinement facilities under area coordination of Echelon 2/3 command.

(4) Afloat brigs on Atlantic Fleet ships.

(5) Navy Consolidated Brig Charleston.

(6) Marine Corps confinement facilities located east of the Mississippi.

b. FRC Los Angeles (2400 Avila Road, 1st Floor East, P.O. Box 6719, Laguna Niguel, CA 92607-6719) is the appropriate FRC for the following:

(1) Ashore confinement facilities under area coordination of Commander, U. S. Pacific Fleet (COMPACFLT).

(2) Afloat brigs on Pacific Fleet ships.

(3) Navy Consolidated Brig, Miramar.

(4) Marine Corps confinement facilities located west of the Mississippi.

2. Logs. Brig logs, as defined by paragraph 8104 of this manual, will be maintained for 2 years from the date of the last entry or when total accumulation is at least 1 cubic foot, whichever is later and then retired to the appropriate FRC as cited above. All other logs shall be retained for 2 years from the date of the last entry and then destroyed.

3. Transmittal and Receipt. Shipment of records, reports, and logs shall be under SF 135, 135A, Records and Transmittal Form.

4. Drug Records. Release of records of naval personnel or former members who are receiving or have received treatment under any drug abuse prevention program carried on with Federal authorization or support shall be governed by section 408 of the Drug Abuse and Treatment Act of 1972, 42 U.S.C., section 290ee-2

and regulations issued under, 45 Code of Federal Regulations, (CFR), part 84.

5. Mental Health Records. Confinement facilities with mental health records maintained by credentialed mental health providers will maintain and store the records separately from the corrections treatment file record.

8112. INCIDENT REPORTS

1. Policy. These reports are intended to keep NAVPERSCOM (PERS-68) and CMC (PSL Corrections) informed of events in naval confinement facilities which could result in embarrassment to the naval service or focus public attention on the confinement facility in question. Initial report shall be by telephone.

2. Procedures

a. Navy incident reports will be submitted as Unit Situation Reports (UNIT SITREP, RCS JCS-FM (3501)) or OPREP-3, Navy Blue Reports, whichever is appropriate, per OPNAVINST 3100.6G (NOTAL). Marine Corps incident reports will be per MCO 3000.2H (Operational Reporting) and local standard operating procedures.

b. Report shall be submitted in the form of a message, with a copy to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) within 24 hours of the incident.

c. Following type incidents/alleged incidents shall be reported:

- (1) Death of a prisoner.
- (2) Suicide, or attempt, by prisoner or staff member.
- (3) Mass strike or disruptive action.
- (4) Incidents with racial overtones.
- (5) Incidents of maltreatment or abuse of prisoners.
- (6) Escape/Attempted Escapes.

(7) Use of deadly force.

(8) Other incidents which could result in embarrassment or focus public attention on the confinement facility.

d. When an incident occurs in a naval confinement facility, and an informal or formal investigation is ordered, a follow-up report including a copy of the investigation shall be submitted to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) when the investigation is complete and the matter resolved. Initial report is not to be delayed pending investigation. Serious incidents shall be reported by telephone immediately to NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

8113. TRANSFER OF RECORDS. See article 7408.

8114. DAILY REPORT OF PRISONERS RECEIVED AND RELEASED. This CORMIS report, or equivalent, is completed on a daily basis and submitted to the CO/OIC/CPOIC, as locally directed. Only the names of prisoners received or released on the day of report are to be recorded.

8115. PRISONER STATUS REPORT. CO/OIC shall require the submission of a prisoner status report at least weekly. This report shall, at a minimum, indicate prisoner status as of 0800 each Monday. Grouping of names shall be in terms of the confinement status. Primary purpose of this report is to aid the CO/OIC/CPOIC in monitoring and reducing delays in the disciplinary process. Copies of this report shall 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 confinement facility.

SECTION 2. PERSONAL PROPERTY

8201. VALUABLES AND OTHER PERSONAL PROPERTY. Prisoners shall not be permitted to retain in their possession Armed Forces Identification Cards, money, credit cards, checks, jewelry, or similar negotiable personal property of value. Wedding rings and small religious medals are permitted, and the CO/OIC/CPOIC may authorize retention of other items of limited intrinsic value. Items which have not been approved shall be retained by the collection agent, returned to the confining command for

safekeeping, or disposed of by the prisoner. Such objects as wallets, photographs, keys, and letters having no intrinsic value that justifies additional protection shall not be accepted for safekeeping as valuables, but may be retained with the prisoner's personal effects.

8202. CUSTODIAL PERSONNEL. Collection Agent/Funds and Valuables Custodian/Assistant shall be appointed per article 3201.2 of this manual. In the event of several authorized custodians relieving each other, as in the case of weekend duty, a drop safe may be utilized vice an individual safe for each individual. This drop safe must have its access limited to the Collection Agent/Funds and Valuables Custodian/Assistant. During normal working hours, all funds and valuables received will be properly receipted for and delivered to the Funds and Valuables Custodian/Assistant for safekeeping or disposition. After normal working hours, all such funds and valuables received will be properly receipted for and deposited in a drop box.

8203. ACCOUNTING - FUNDS AND VALUABLES

1. Authorized custodian must accept and preserve or otherwise properly dispose of all personal property taken from a prisoner upon confinement or received during the period of confinement. Personal funds and valuables shall be inventoried, utilizing NAVPERS 1640/17, Prisoners Inventory and Receipt Form, in the prisoner's presence. This inventory is to be held by the Collection Agent/Funds and Valuables Custodian.
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 person who inventories the property and by the prisoner. A signed copy shall be delivered to the prisoner for retention during confinement.
3. On the first workday following receipt of funds or valuables, the custodian will verify the entries made on NAVPERS 1640/17. This record will be utilized to list all funds upon release from confinement, will become part of the prisoner's record, and will be stored and destroyed using the same criteria.

4. 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 moneys received from their military pay account. It is advisable that adequate funds be made available to cover the cost of clothing, haircuts, etc.

5. 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.

8204. PERSONAL PROPERTY ACCOUNTING

1. 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 minimum release or transfer requirements, personal property shall be mailed/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 person 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, social security number, rate or grade, and properly stored, preferably in a separate storage room and marked "For Official Use Only." Only the property clerk shall have access to other prisoner's 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. Custodian shall then write or stamp the words "Account closed on (date)," sign, and file it.

8205. EXPENDITURE OF PERSONAL FUNDS. Subject to the approval of the BRIG O, prisoners may spend personal funds held in safekeeping for them and money due them, for special purposes

such as the purchase of educational materials, hobby materials, remittance to dependents, payment of debts, and attorneys fees. Prisoners will submit a written request to have a check issued to a specific person, company, etc. Check will be issued to the designee. Written request will be kept in the prisoner's file 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 are not to be considered a part of the normal expenditure for health and comfort 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.

8206. EXPENDITURES FOR CLOTHING

1. Policy. Prisoners in a pay status will pay for additional clothing as required from their commingled accounts. A charge against the prisoner's military pay account is authorized only when the prisoner's commingled account is depleted. If pay account checkage is authorized on DD 504, Request and Receipt for Health and Comfort Supplies or NAVMC 604, a certification is required stating that the prisoner's commingled account is depleted or is inadequate to pay for uniform items. Charges to pay accounts shall not be authorized if circumstances do not allow time for recoupment by command finance activities prior to the prisoners release.

2. Procedures

a. Prisoners without necessary clothing and known to be in a non-pay status shall be lent the required clothing by the confinement facility until they can obtain their own.

b. All gratuitous issues and clothing lent to prisoners are chargeable to the operating and maintenance allotment of the command furnishing logistic support to the confinement facility.

c. Requests for clothing and small stores shall be submitted on a DD 504 or NAVMC 604.

d. Stragglers and others temporarily awaiting travel may be clothed as described in article 8206.1 of this manual. Even though in a pay status, they may be lent the necessary clothing,

if available, for use during a short period of detention. Normally they will travel in the clothing in which they arrived. Navy personnel without adequate or proper clothing may be provided clothing as prescribed in reference (o).

8207. EXPENDITURES FOR HEALTH AND COMFORT ITEMS

1. Prisoners in a pay status shall provide for their own needs through deductions from their personal accounts or charges to their pay accounts.
2. Preferred procedure is deduction from the prisoner's funds in the commingled bank accounts.
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 will be made by using DD 504 and the procedures in reference (q), article 40801 and reference (r), part 5, chapter 2, section B. Charges against the prisoner's account can be made using NAVCOMPT 399, Receipt for Deposit and Withdrawal.
4. Articles for health and comfort of individual prisoners shall not be requested or accepted from the American Red Cross, Salvation Army, or any other public charitable organization.

8208. EXPENDITURES FOR SERVICES. When services, including laundering, tailoring, barbering, and cobbling, cannot be satisfactorily provided in kind to prisoners in a pay status, they shall be obtained from the most economical sources and charged to the prisoners. Necessary services shall be provided for prisoners in a non-pay status from the same operating fund as regular health and comfort items, but the amount provided for health and comfort is not to be reduced.

8209. LIMITS ON EXPENDITURES

1. No arbitrary limits shall be placed on the quantity of any item or the total cost of health and comfort supplies for those who have sufficient personal funds or credit on their pay record except as indicated below.

a. BRIG O may establish item limits and total cost limits so an individual is not permitted excesses over reasonable needs for any items.

b. Limits may be placed on expenditures of funds above those required for health and comfort if such expenditures would result in the prisoners' supplies becoming a government expense.

2. Personnel in a non-pay status shall be furnished health and comfort supplies as gratuitous issues. Funding for such health and comfort items will be per reference (m). When requested by the prisoner, this issue is limited to not less than \$20, excluding the cost of services provided. Maximum gratuitous issue is \$40, per DOD 7000.14-R of February 1996, article 120213, volume 10, chapter 12. Those prisoners may purchase additional items if they have personal funds.

8210. EXPENDITURES FOR UNKNOWN PAY STATUS AND ABSENTEES

1. Unknown Pay Status. Military personnel committed to naval confinement facilities whose pay status is unknown, shall be considered to be in a non-pay status, until their status can be verified. If prisoners are without clothing or articles and funds to obtain services for health and comfort, they shall be provided these necessities at the time of processing for commitment; however, payment will not be made for these issues until the status verification process is complete. See reference (q) (part 4, chapter 3, section B) and reference (r) (part 5, chapter 2, section B) for status verification process and payment procedures.

2. Returned Absentee. Reference (q) requires that a member's pay status, social security number, name, and date of end of active obligated service (EAOS) be verified before opening a temporary pay account. Health and comfort supplies and clothing may be provided by use of a DD 504, checked to indicate the issues will be charged against the member's pay account, and are processed as prescribed in reference (q) (part 4, chapter 3, section B) and reference (r) (part 5, chapter 2, section B).

8211. APPROVED HEALTH AND COMFORT ITEMS

1. Policy. Health and comfort items include those necessary to maintain personal hygiene and military appearance, writing materials, and postage. Initial supply shall be adequate for 1 month's use but may be prorated if regular replenishment or the prisoner's release will be less than 1 month.

2. Approved Items. Any items on the following list will normally be approved in adequate quantities:

laundry bag	shower shoes
bath soap	shaving soap/cream
shoe shining gear	cigarettes and matches
toothbrush	toothpaste
nail clippers	laundry soap
face cloth	* bath towel
comb (small; not steel; afro allowed)	deodorant, stick type
writing material and postage	sanitary napkins
stamp embossed envelopes	* handkerchiefs
razor, enclosed blade	shampoo
	hair cream, tube type

NOTE: No glass or aerosol containers are permitted.

* Considered clothing for Navy prisoners, rather than a health and comfort item.

3. Procedures

a. Items supplied will 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.

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 health and comfort. 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 health and comfort items upon confinement; however, if prisoners are confined without personal necessities, they shall be provided by the confinement facility during in-processing. The CO/OIC/CPOIC of the facility is responsible for ensuring all prisoners receive a periodic re-supply of consumable items.

8212. EXPENDITURE EXCEPTIONS. Although every prisoner in a pay status or with personal funds shall normally be charged for or pay for all articles, supplies, and services for health and comfort, an exception may be made in the case of absentees and others detained for a short period of time awaiting transfer elsewhere. In such cases, they may be loaned certain articles for use while in naval custody and may be furnished limited supplies and services gratuitously. These exceptions are restricted to cases where the amount of money involved does not appear to justify the administrative expense of processing a charge against pay accounts of members of another service although such a person has enough money to pay for them.

8213. CLOTHING

1. Requirements

a. When other than a full sea bag is required, the CO/OIC/CPOIC shall inform commands of items of clothing which prisoners are required to have in their possession while confined and which must be with the person upon confinement.

b. Not all items authorized are required for use during confinement, nor is the full quantity of each item necessary for short periods, i.e., B&W; however, prisoners must be adequately supplied to present a clean and neat appearance and to do the work assigned. They shall be assisted in obtaining their own clothing and effects as soon as practicable. Special clothing may be issued to prisoners on the same basis as to other personnel.

c. Prisoners are required to have available one complete seasonal service uniform with insignia, emblems, decorations, and ribbons to which entitled, for all appearances in court. Expenses of providing this uniform are chargeable against the prisoner's pay accounts unless they are in a non-pay status, in which case it will be charged against the operating allotment.

Prisoners may be permitted to wear this uniform during visits, when appearing before a court-martial, and on other occasions approved by the CO/OIC/CPOIC. Prisoners of one service shall not wear the uniform of another service.

d. Prisoners may not transfer or lend any clothing or other personal property to other prisoners.

2. Prisoner Uniform

a. Prisoners will wear uniforms per current uniform regulations of the prisoner's service, except as noted here. Identifying badges will be worn per article 8106 of this manual. Prison uniforms may only be prescribed by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

b. Uniform for IC prisoners when away from the confinement facility is the uniform worn by other persons on the base engaged in the same work, training, or other activity. It may be the uniform of the day, work uniform, or special clothing required by a particular assignment, and shall not in any way identify the prisoner as such except as provided for in paragraphs 4201.2e(5) and 5201.2 of this manual.

3. Marking. Prisoner clothing shall be marked per the prescribed system of the individual's service.

4. Travel Uniforms. Prisoners traveling by public carrier, or whenever travel otherwise requires their appearance before the public, shall wear the same uniform as other personnel of their service traveling the same route or as prescribed by service regulations. Particular care must be taken to ensure that they present a clean and neat appearance to the public.

5. Clothing Stock. CO/OIC/CPOIC 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 the medical officer.

6. Discharge Clothing. When prisoners are to be discharged and are not entitled to wear the uniform, articles of outer uniform will be taken from them per regulations governing supply matters in each service. In such a case, an outfit of civilian clothing

may be procured by the command operating the confinement facility, and issued at no cost to the prisoners, 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. MISCELLANEOUS ADMINISTRATIVE SUBJECTS

8301. 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 facility. When authorized by the CO, a record shall be kept of exchanges of mail and visits using NAVPERS 1640/15, Mail and Visiting List.

c. Under no condition will any prisoner be prevented from consulting or corresponding with counsel or the authorized representative of counsel, maximum security, special quarters, and disciplinary segregation requirements notwithstanding; nor will a request to see a chaplain be denied. It is further required that arrangements will be made for the acoustical

privacy of any consultation between prisoners and their counsel or clergy within the confinement facility. The confidentiality of the lawyer-client privilege is recognized in R.C.M. 502 of reference (c) and in rule 1.6 of JAGINST 5803.1. Confidentiality of communications to clergy is recognized in R.C.M. 503 of reference (c), SECNAVINST 1730.7B and OPNAVINST 1730.1B. Refer also to article 8301.8 of this manual.

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 confinement facility on all nonworking days such as Sundays 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 will 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 CO/OIC/CPOIC, or designee, for cause. Any limitations will be applied evenly and fairly. Reasons for disapproval will be recorded in letter format and placed in the prisoner's file.

3. Authorized Correspondents. No limitations will 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 CO/OIC/CPOIC makes a determination to disapprove a correspondent, a letter must be placed in the prisoner's file stating specific reasons for such a determination and a correspondent will be notified of the disapproval by the confinement facility.

4. Mail Inspection

a. All prisoners mail, except as noted in article 8301.8 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.

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' rule book, that all mail may be 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 file.

c. Correspondence Monitoring. CO/OIC/CPOIC may establish procedures for monitoring incoming and outgoing correspondence. Facilities 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. Staff member designated by the CO/OIC/CPOIC 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. CO/OIC/CPOIC, or designee (XO, AOIC (Navy), BRIG O or any section officer with supervisory authority over the mail room (Marine Corps)), may reject correspondence sent to or by a prisoner if it is determined detrimental to the security, good order or discipline of the facility, to the protection of the public, or if it might facilitate criminal activity. Correspondence which may be rejected by a CO/OIC/CPOIC includes, but is not limited to, correspondence which contains any of the following:

(1) Matter which can not 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 facility 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 were 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 facility.

(5) Threats, extortion, obscenity, or gratuitous profanity.

(6) Contains code or other obvious attempts to circumvent regulations.

(7) Sexually explicit material (for example, 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.

(8) A package received without prior authorization by the CO/OIC/CPOIC 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 Navy are permitted.

c. Where incoming and outgoing correspondence is found unacceptable, the CO/OIC/CPOIC will promptly notify the prisoner in writing of the decision and the reasons. Notice must contain reference to the specific text or material(s) considered objectionable. Notification of disapproval of correspondence and the reason for disapproval will be made to the prisoner in writing.

(1) CO/OIC/CPOIC will 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 facility, or to encourage or instruct in criminal activity.

(2) Disapproval notice will advise the prisoner of the appeal process. Prisoner may obtain an independent review of the disapproved correspondence by submitting a written request

within 20 days. Disapproved correspondence will be retained and safeguarded for not less than 20 days from the initial disapproval date and throughout the appeal process.

(a) For prisoners confined in Navy confinement facilities, the appeal will be submitted to NAVPERSCOM (PERS-68), via the chain of command.

(b) For prisoners confined in Marine Corps confinement facilities, the appeal will be submitted to the activity commander's designee.

(3) If the prisoner does not submit an appeal within 20 days, correspondence will 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 will first review either the disapproved correspondence or a copy of the offensive portion before acting on the appeal.

(5) Appeal review authority will provide a written decision to the prisoner and the CO/OIC/CPOIC within 30 days of receipt of the appeal.

(6) CO/OIC/CPOIC will forward the sender (and the prisoner if not the sender) of unacceptable correspondence a copy of the rejection letter. CO/OIC/CPOIC will 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, per article 8301.5c(2) of this manual, within 20 days of receipt of the rejection letter. CO/OIC/CPOIC will return the disapproved correspondence to the sender unless the sender indicates intent to file an appeal under the appeal process. In which case the CO/OIC/CPOIC will ensure safeguard of the disapproved material for review. If the rejection is sustained, the rejected correspondence will be returned to the sender when the appeal is complete.

d. CO/OIC/CPOIC may limit (for fire, sanitation, or housekeeping reasons) the number or volume of correspondence prisoners may receive or retain in their quarters.

e. Contraband (see article 4302.1) found in mail will be confiscated. Unauthorized materials other than illegal contraband may 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. Your local post office can assist you in contacting the Postal Inspection Service. A chain of custody will be implemented for illegal contraband and criminal charges implemented, if warranted. In all cases proper inventories will be completed and custody receipts prepared. Where such storage is contrary to the security or would interfere with the orderly administration of the confinement facility, the prisoner will 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 will be documented and the contraband destroyed. Mail accompanying contraband or unauthorized material will be processed in a normal manner unless rejection is warranted under the provisions of article 8301.5a of this manual.

f. Mail written in a foreign language will not be rejected solely due to the lack of an interpreter. Rejection must be based on the provisions of article 8301.5a of this manual, 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 confinement facility, mail written in a foreign language will be promptly transmitted to the prisoner to whom it is addressed.

6. Restricted Correspondence

a. CO/OIC/CPOIC 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

facility, 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.

(5) Having committed an offense involving correspondence.

b. A prisoner on restricted correspondence may only correspond with individuals approved by the CO/OIC/CPOIC. For each prisoner on a restricted correspondence status, a list of approved individuals will be maintained.

7. Correspondence Between Confined Prisoners. A prisoner may be permitted to correspond with a prisoner confined in any other penal or 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.

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. CO/OIC/CPOIC shall establish at least one mail depository (marked U.S. Mail) within the facility for a prisoner to place outgoing correspondence. CO/OIC/CPOIC 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 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. CO/OIC/CPOIC may authorize prisoners to receive packages on Christmas, birthdays, and at other times per local instructions. If contraband is found in a package, see article 8301.5c of this manual. Prisoners shall not receive patent medicines, drugs, or other medications through the mail. Packages and other mail received for prisoners known to be narcotic or marijuana users, or former vendors, shall receive careful attention.

10. Privileged Correspondence

a. All incoming/outgoing correspondence between a prisoner and the following is privileged and only subject to inspection for contraband in the presence of the prisoner but not read, nor shall prisoners be interviewed in connection with privileged mail prior to its being sent or delivered. 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".

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. 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 to ensure it is genuine. If such letters are opened, a photocopy of the envelope shall be made and filed in the prisoner's file to document the "reasonable doubt." Incoming privileged mail may be inspected (not read) only for contraband and only in the presence of the prisoner. Privileged correspondence shall not be inspected unless good cause exists to show substantial interference with the security and good order of the confinement facility. All inspections of privileged correspondence shall be documented in the privileged correspondence log (see article 8104.4). Otherwise, incoming letters from any of the above will be delivered unopened, and outgoing letters will be sealed by the prisoner. Care shall be taken to ensure outgoing sealed letters bear correct addresses of the intended addressees.

c. 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 never read privileged correspondence.

d. 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.

e. 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 CO/OIC/CPOIC 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) CO/OIC/CPOIC 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 CO/OIC/CPOIC, 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. 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.

f. CO/OIC/CPOIC shall review a prisoner's restricted privileged correspondence status at least once every 30 days. Prisoner is to be notified of the results of this review. A prisoner may be removed from restricted privileged correspondence status if the CO/OIC/CPOIC determines the privileged correspondence does not threaten or pose a threat of physical harm to the intended recipient.

g. 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 CO/OIC/CPOIC.

12. Prisoner Funds Received Through the Mail

a. A prisoner may receive funds from family or friends only with the approval of the CO/OIC/CPOIC for crediting to the prisoner's funds account. No personal checks will be cashed by facility 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 social security number, thereby helping to ensure a deposit to the proper prisoner's account. Negotiable instruments not accepted because they are incorrectly prepared will be returned to the sender with a letter of explanation. A copy of this letter will be provided to the prisoner.

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 12(a) of this section.

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 facility 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 will be established at each confinement facility. Given the guidance provided below, 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 confinement facility, 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 will be excluded. Prisoners with a sentence of 6 months or longer, with prior approval of the CO/OIC/CPOIC may subscribe to and retain publications as specified below.

(2) Prisoners will receive hardcover publications and newspapers only from the publisher, a book club, or from a bookstore. Publications or other softcover material received from any source may be received if previously approved by the CO/OIC/CPOIC and carefully screened to avoid the introduction of contraband. Only the CO/OIC/CPOIC may disapprove an incoming publication.

(3) CO/OIC/CPOIC may disapprove a publication only if it is determined to be detrimental to the security, good order, or discipline of the confinement facility, or if it might facilitate criminal activity. As rehabilitation is a legitimate

correctional interest, commercial publications that are sexually explicit or features nudity will be excluded. Inability to view multi-media publications may be cause for requiring the prisoner to destroy, properly store, or mail-out the publication. CO/OIC/CPOIC 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 CO/OIC/CPOIC 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 facilities, 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 facility.
- (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 facility 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 facility, or as

facilitating criminal activity: Sado-masochistic, Bestiality, involving children (children under age of 16).

2. Child-model materials prohibited by law will 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 facility or facilitates criminal activity.

(l) Sexually explicit material may nonetheless be admitted if it has scholarly value or general social or literary value.

(4) CO/OIC/CPOIC will not establish an approved or disapproved list of publications and will 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 article 8301.5c of this manual.

(6) CO/OIC/CPOIC 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 health and comfort item, provided at no cost to prisoners who are not in a pay status. Prisoner's 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. Visits to married prisoners by members of the opposite sex over the age of 18, other than the spouse or documented relative, are prohibited unless specifically authorized in writing by the CO/OIC/CPOIC. Visitors may be listed on NAVPERS 1640/15, Mail and Visiting List.

b. CO/OIC/CPOIC may deny visitation for cause (e.g., civilian or military protective orders, legitimate rehabilitative interests, and good order, discipline, and security of the facility).

16. Visiting Facilities. Each confinement facility 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 will be conspicuously posted at the entrance of the visiting area. To ensure good order and discipline of the facility during visitation, confinement facility CO/OIC/CPOIC 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 will be stored in visitor lockers, and the visitor will be given a locker key.

d. If used by a confinement facility, all visitors (military or civilian) will 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 file. A log entry will be made specifying the specific reasons for denial of visiting privileges. Visitors will be allowed to enter only after confinement facility 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.

(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 will be advised that they may not enter the facility 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 O's discretion or per confinement facility rules. If the item is not placed in the visitor's locker, the visitor will be denied entrance.

g. At no time shall confinement facility staff strip search a visitor. Frisk searches shall be conducted by a staff member who is of the same sex as the visitor.

h. Shall a visitor refuse to comply with verbal directions or instructions given by staff personnel, the visitor may be denied entrance, and the visit may be terminated. At no time will force be used against a visitor unless:

(1) Visitor poses an imminent threat of inflicting serious bodily harm or death upon another.

(2) Visitor has engaged in a serious breach to security and the incident cannot be contained without the use of force against the offending party.

(3) Physical security of the facility 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. Confinement facilities shall make a separate area available for visitors needing to breastfeed their children. This area will not be in view of prisoners. Visitation contact with the prisoner will be interrupted during the feeding time, but once completed, may continue. Arrangements for breastfeeding at the facility shall be displayed along with other visitation rules.

18. Information to Correspondents and Visitors

a. Format. A letter is useful to inform prospective correspondents and visitors concerning mail and visiting regulations. Its use reduces the amount of official correspondence required to answer inquiries of persons who are confused and worried about the status and welfare of prisoners. Providing printed information for prisoners to include in their first letter to each correspondent satisfies most situations. Prisoners are not required to use this format.

b. Content. Content of this letter may be varied to meet local or special requirements. Articles that are declared contraband will be identified. Such letters shall not contain warnings against the use of obscenity in letters or improper displays of affection in visits, since some recipients will be parents, grandparents, and others for whom such warnings would not be in good taste. Reference to possible disciplinary action against the prisoner for misconduct of visitors shall not be included.

19. Official, Press, and Civilian Visits

a. Requests for general visiting of the confinement facility by groups or individuals shall be coordinated with the local public affairs office (PAO) and per SECNAVINST 5510.30A and SECNAVINST 5720.44A. Each request shall include a specific reason for the visit. CO shall coordinate requests for such visits per local policy, and shall take into account the confinement facility's ability to maintain good order and discipline and availability of staff to supervise the visit. Such visits shall normally be conducted within the confinement facility'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 (s).

20. Telephone Calls and Telegrams

a. Telephone. Telephone calls to or by prisoners will be at the expense of the outside party, except in emergencies, and

will be permitted when considered to be in the best interest of the prisoner's morale and will aid in the resolution of immediate personal problems. Monitoring of calls is not mandatory; however, when deemed appropriate, a call may be monitored. As used here, monitoring means the presence of a supervisor. 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. 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 offender. Privileged calls are to be verified for the authenticity of the caller but will not be monitored.

b. Telegrams. Telegrams sent to or by prisoners shall be approved on the same basis as telephone calls. They may be sent collect or prepaid by the sender.

21. Prisoner Requests

a. CO shall provide means whereby prisoners may communicate with staff members to request advice and assistance with their problems. 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. Prisoner shall state the problem or matter at issue, request to be heard at mast, or request an interview with a designated person. Request will be signed by the prisoner and referred to the proper staff member or BRIG O 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. CO shall install, in a centrally located place(s), a locked, clearly marked box or boxes readily accessible to all prisoners in which they may deposit individual communications for the immediate attention of the CO. Keys for this box shall be in the possession of an officer not assigned to the confinement facility. Contents of this box shall be removed on a regular schedule and screened by this officer and delivered to the CO. Portable boxes may be used if desired. In

larger confinement facilities where officers serve as department heads, these functions may be performed by a department head or higher.

8302. PRISONER COMMUNICATION COUNCIL. A council may be established to keep lines of communication open between prisoners and staff. This council shall include prisoners of each custody classification and billeting area (except reception and segregation), correctional supervisor, and a counselor. Other members may be added as local need dictates. Prisoner members are to be elected by the prisoners and approved by the programs officer. Conduct and procedures for the council shall be directed per local policy.

8303. PUBLIC INFORMATION. Requests for release of information on the corrections program, confinement facilities, and naval prisoners to the news media shall be forwarded to the local PAO for response per SECNAVINST 5720.44A. Written communications are permitted and subject to article 8301 of this manual.

8304. FINGERPRINTS

1. Confinement facilities shall collect and maintain fingerprints on all pretrial and post-trial prisoners upon arrival for inclusion into the prisoners' records 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 DON. Collection of fingerprints by confinement facilities serve as a backup set for immediate availability in the vent of an emergency.

8305. STANDARD OPERATING PROCEDURES (SOP). SOP and Post Orders shall be written to describe how to perform the major functions of the confinement facility and of each post. These procedures will include administrative, security, and program responsibilities. A complete SOP manual will be maintained at the control center, and individual post orders will be maintained at the specific posts whose functions they describe.

8306. TOBACCO PREVENTION. CO/OIC/CPOIC shall implement a tobacco prevention program per SECNAVINST 5100.13C and DODI 1010.15 of 2 January 2001.

8307. VWAP. All personnel involved in naval corrections under this manual are also governed by the requirements of the VWAP contained in DODD 1030.1 of 13 April 2004, DODI 1030.2 of 23 December 1994, MCO P5800.16A, reference (p), and article 8103.2 of this manual 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 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 will be accorded victims, especially when a victim has been sexually assaulted or is a minor. NAVPERSCOM (PERS-68) and CMC (PSL Corrections) will provide specific guidance for the assistance of crime victims and witnesses.

8308. 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 (s). NAVPERSCOM (PERS-68) and CMC (PSL Corrections) will provide specific guidance for the assistance of crime victims and witnesses.

CHAPTER 9
SENTENCE COMPUTATION

SECTION 1. POLICY AND DEFINITIONS

9101. POLICY

1. Sentences to confinement adjudged on or after 27 July 2004 shall be computed per the procedures provided in DOD 1325.7-M of 27 Jul 04. This may be done through automated means, but when manually computing a sentence, the expiration tables within DOD 1325.7-M and DD 2710-1, Prisoner Sentence Computation, shall be used.

2. Members whose sentences were adjudged before 27 July 2004 shall be governed by the instructions in place at the time the sentences were adjudged. The particular expiration table used, if applied appropriately, has no impact on the computation of a sentence to confinement. Therefore, the expiration tables provided within DOD 1325.7-M, or their automated equivalent, may be used for sentences adjudged prior to 27 July 2004.

9102. DEFINITIONS

1. Adjusted Maximum Release Date (AMXRD). The AMXRD is computed by taking the Maximum Release Date (MXRD) and adjusting it for administrative credit, judicial credit, inoperative time, and the adjustment for crossing the international date line.

2. Administrative Credit. Day-for-day credit provided on the Report of Results of Trial for pretrial confinement and conditions tantamount to confinement.

3. Calendar Method. A method by which the span of time between two calendar dates is expressed in years, months, and days. For example, the span of time between 4 April 2001, and 11 August 2001, (inclusive of each of those dates) is 4 months and 8 days. The span of time between 2 February 2001, and 1 March 2001, (inclusive of each of those dates) is 1 month.

4. Confinement. Confinement is the physical restraint of a person imposed by order of competent authority, either pending disposition of charges (pretrial) or because of a sentence adjudged by a court-martial. Although not involving physical

restraint, a sentence to confinement may also be served in a parole or mandatory supervised release (MSR) status.

5. Confinement as Nonjudicial Punishment. The physical restraint of a person attached to or embarked in a vessel, imposed by order of competent authority under reference (c) (e.g., confinement to B&W/DIMRATS).

6. Day-for-Day Method. A method by which the span of time between two dates is solely expressed in days. For example, the span of time between 2 February 2001, and 1 March 2001, (inclusive of each of those dates) is 28 days.

7. Deferment. Postponement of the running of the sentence R.C.M. 1101(c), reference (c)

8. Earned Time. 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 correctional facility commander per Military Service policy.

9. Good Conduct Time. A deduction from the AMXRD for faithful observance of all rules and regulations.

10. Inoperative Time. Any period of time during which prisoners are not credited with serving their sentence to confinement.

11. Judicial Credit. Credit ordered by judicial authority to be applied to a sentence to confinement.

12. MSR (Supervised Release). A form of conditional release granted to individuals who have served their sentence to confinement up to their minimum release date (MRD). This form of release is served until the AMXRD unless otherwise revoked or remitted by the Clemency and Parole Board concerned.

13. MXRD. The sentence or sentences to confinement without reductions, but less 1 day for the day of confinement/release. For multiple sentences, each sentence has a specific MXRD.

14. MRD. AMXRD adjusted for credit or forfeiture of GCT and abatements.
15. Parole. A form of conditional release from confinement when a prisoner is under the guidance and supervision of a U.S. probation officer.
16. Parole Violator Term. Unexpired term of the sentence to be served by a parole violator.
17. Prisoner (Inmate). 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. A person placed into confinement by competent authority pending trial by court-martial is a pretrial prisoner.
18. Reduction of Sentence to Confinement. A reduction of a sentence to confinement reduces the length of the sentence the prisoner is to serve.
19. Remission of Sentence to Confinement. A remission of a sentence cancels the unexecuted part of the sentence to which it applies (i.e., the sentence is remitted).
20. Return to Military Control. The date and hour military members (e.g., prisoners, absentees, or deserters) surrender to, are delivered to, or are apprehended by or for military authorities; or a civilian authority holding the military members for some reason other than at the request of the military informs the military of their availability; or military members otherwise comes under the control of military personnel.
21. Span of Time. The period of time between two specific dates expressed in days (day-for-day method), or years/months/days (calendar method).
22. Street Time Credit. Credit for time served against a sentence to confinement while on parole or MSR determined by the Clemency and Parole Board concerned.
23. Suspension of Sentence. Period during which the suspended part of an approved sentence is not executed reference (c), R.C.M. 1108(a).

24. Time Served. The span of time a prisoner has served on a sentence to confinement. This includes all administrative and judicial credits associated with the sentence, adjusted if necessary for inoperative time.

25. Unadjusted Maximum Release Date (UMXRD). The MXRD without the less 1-day adjustment. The UMXRD is used for translating sentences expressed in days that are 31 days or greater to the precise span of time (in years, months, and days).

26. Vacated Suspension. The unexpired term of the sentence to be served by persons who have violated the conditions of their suspension and have had the suspension vacated.

SECTION 2. GOOD CONDUCT TIME (GCT), EARNED TIME (ET), AND SPECIAL ACTS ABATEMENT (SAA)

9201. POLICY. GCT, ET, and SAA are the only types of abatement of a sentence to confinement authorized in naval confinement facilities.

1. GCT

a. Eligibility

(1) GCT shall be awarded to each prisoner serving a sentence imposed by a court martial for a definite term of confinement.

(2) Eligibility for GCT shall be consistent with DOD policy on GCT rate of earning at the time a sentence was adjudged.

(3) For prisoners who have an approved finding (e.g., convening authority 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 (s), if directed to do so.

(4) Pretrial prisoners shall earn GCT for confinement served, but any earned GCT shall not be awarded until a sentence is adjudged and pretrial credit is ascertained.

(5) 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.

(6) Questions regarding eligibility shall be referred to NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

b. Rate of Earning

(1) Because prisoners may fall under different GCT rates, the GCT rates shall be consistent with DOD policy on GCT rate of earning applicable at the time a sentence was adjudged.

(2) Prisoners adjudged prior to 1 January 2005 shall be awarded GCT at the rates specified in reference (s) and SECNAVINST 1640.9B.

(3) For prisoners adjudged on or after 1 January 2005, 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 appendix 4 of DOD 1325.7-M), regardless of sentence or multiple sentence length. GCT is directly associated with the sentence to confinement and shall not exceed what the sentence or multiple sentence allows for.

2. ET

a. ET shall only be awarded in applicable component areas when overall evaluations are average (satisfactory) or higher.

b. Prisoners confined in naval confinement facilities shall be subject to the ET rules of the confining facility regardless of the Service affiliation of the prisoner.

c. NAVPERSCOM (PERS-68) or CMC (PSL Corrections) shall ensure that an ET program is available in its confinement facilities 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.

d. Confinement facility commanders shall continuously monitor and review their ET program to ensure inflationary

aspects (to include redundant crediting) are addressed, and NAVPERSCOM (PERS-68) or CMC (PSL Corrections) shall periodically audit the ET program to ensure alignment with program objectives.

e. Eligibility

(1) Prisoners serving a sentence imposed by a court-martial for a definite term of confinement are eligible to earn ET.

(2) 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 (s), if directed to do so.

(3) Pretrial prisoners are ineligible for ET.

(4) 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.

(5) ET may be granted when GCT or ET forfeitures remain outstanding.

f. Rate of Earning

(1) Eligible prisoners may be awarded up to 8 days per month ET for participation and graded effort in authorized component areas.

(2) NAVPERSCOM (PERS-68) or CMC (PSL Corrections) may delegate to confinement facility commanders the authority to determine the activities eligible for ET at the facility and, subject to limitations of article 9201.2g, 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.

(3) 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 reference (s) and SECNAVINST 1640.9B) may earn ET, but the aggregate (GCT plus ET) shall not exceed 13 days per month.

(4) Incremental and proportional rates are authorized when a prisoner engages in an approved activity for a portion of a month.

g. Limitations

(1) 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 record and annotated on NAVPERS 1640/25 (07/04), Earned Time and Special Acts Abatement Worksheet, 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.

(2) A maximum of 5 days ET per month may be awarded within the work component of the ET program.

(3) ET shall not be awarded within 30 days of the scheduled MRD from confinement.

h. Administration

(1) ET shall be recorded separately from GCT. The confinement facility commander shall maintain a record of ET for each prisoner. To the largest extent possible, such record shall be populated within the CORMIS or its automated equivalent.

(2) 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. Confinement facility commanders shall provide prisoners with,

DD 2719 (Nov 99), 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 accrue ET, the prisoner shall forward their request for ET by means of DD 510 (Sep 01), Request for Interview, with supporting documentation, to the ET/SAA Board via their unit manager or counselor. The unit manager or 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.

(3) When calculating a prisoner's MRD at the beginning of a prisoner's sentence to confinement, the confinement facility commander shall not consider ET that could be earned during the sentence.

(4) A formal ET/SAA board comprised of at least three members shall be appointed in writing by the confinement facility commander. At Naval Consolidated Brigs, members can be unit staff but the board shall not be identical to the unit team; it shall be a distinct group. Recommendations for award of ET made by the board, via use of NAVPERS 1640/25 (07-04), Earned Time and Special Acts Abatement Worksheet, shall be approved or denied by the confinement facility commander in full or in part.

(5) ET shall be awarded, within authorized limits, through evaluation of the separate ET program components. ET awarded for each component shall be documented on NAVPERS 1640/25 (07-04), Earned Time and Special Acts Abatement Worksheet, or its automated equivalent, 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 confinement facility commander. Appeals to evaluations shall follow normal internal prisoner grievance procedures.

(i) Components

(1) Work. A maximum of 5 days ET per month may be awarded within the work component of the ET program. All

prisoners in naval confinement facilities, unless precluded from doing so because of a disciplinary, medical, or other reason determined appropriate by the confinement facility commander, shall engage in useful employment under appropriate supervision. Prisoner records shall clearly indicate all occasions where prisoners are not in a work status, to include rationale and inclusive dates.

(a) 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/facility needs.

(b) 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 confinement facility commanders 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.

(c) Reception, orientation, prerelease processing, plan of the day, and place of duty activities qualify as work.

(d) Prisoners shall work a minimum of 40 hours each week to receive ET for work unless the facility commander 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.

(e) ET granted for work shall be based on work performance and continuous employment.

(1) Performance. DD 2712 (Nov 99), 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. Confinement facility commanders 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.

(2) Continuous Employment. Employment is considered continuous unless for valid cause and specifically approved for interruption by the confinement facility commander. Continuous employment is defined by time not assignment, thus, credit is granted 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 prisoner file and annotate the beginning date of the new period.

(3) 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 confinement facility commander 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

<u>Level</u>	<u>Continuous Employment</u>	<u>Earning Rate</u>
4	19 to 24 months	4 days per month
5	25 or more	5 days per month

(f) Waiver. When an individual prisoner is recommended by the work supervisor and concurred by reviewing authority and the ET/SAA Board, the confinement facility commander may increase (by one step) or decrease the employment earning level (by multiple steps) for consistent outstanding or poor work performance. All increases and decreases must be fully documented within the prisoner file, annotating rationale and dates.

(g) The ET/SAA Board will take into consideration the actual number of hours worked by an individual when determining the actual number of days to be granted. 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.

(h) Special Quarters. If an individual's behavior or facility's security concern makes them unavailable for work assignment then credit for work shall not be granted. If it is not within an individual's control (for example, medical segregation) then the individual could receive ET for work.

(2) 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, Victim Impact, Options, or Core Modules. A listing of all

offense-related or other rehabilitation programs from each brig shall be sent to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) by confinement facility commanders 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 confinement facility commander shall submit a recommendation to NAVPERSCOM (PERS-68) 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-68) 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.

(3) 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.

(a) Participation in non-traditional sources of educational credit (e.g., CLEP, DAN TES, ACT, and military education) where such credits are recognized by the U.S. Department of Education or American Council on Education (ACE) may qualify for award of ET.

(b) 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.

(c) ET may be awarded only for coursework performed by correspondence, classroom attendance, or participation in vocational training and education earned while in confinement.

(d) Once a prisoner achieves an education objective, additional ET shall not be awarded for that objective.

(e) Limitations

(1) ET shall generally be awarded upon documented completion of the educational objective.

(2) For factoring purposes, completion of 3 semester hours (or it's equivalent) may be associated with 1 day of ET.

(4) 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 confinement facility commander or designee. 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.

(5) Support Activities. A maximum of 1 day ET per month may be awarded within the support activities component. Where pre-authorized by the confinement facility commander or designee, 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 (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.

3. 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 confinement facility commander.

a. Eligibility

(1) Prisoners serving a sentence imposed by a court-martial for a definite term of confinement are eligible for SAA.

(2) 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.

(3) Pretrial prisoners are not eligible for SAA.

(4) 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.

b. Rate of Earning. The confinement facility commander 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.

c. 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. PRISONER ACKNOWLEDGEMENT OF CONDITIONAL AWARD OF ABATEMENTS

9301. PRISONER ACKNOWLEDGEMENT OF CONDITIONAL AWARD OF ABATEMENTS

1. Prisoners who have an approved finding of guilty for an offense that occurred after 1 October 2004 shall acknowledge in writing during facility in-processing the award of GCT, ET, or SAA is conditioned on the prisoner submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy of reference (d), if directed to do so. The acknowledgement shall also state that if the confinement facility commander determines that this condition has not been met, deductions from the prisoner's release date for conditionally awarded GCT, ET, or SAA shall be voided.

2. The release date of a prisoner who has an approved finding of guilty for an offense that occurred after 1 October 2004 shall not be reduced for GCT, ET, or SAA until the prisoner executes the acknowledgment required by subparagraph 4e, above.

SECTION 4. FORFEITURE AND RESTORATION OF ABATEMENTS

9401. FORFEITURE AND RESTORATION OF ABATEMENTS. Forfeiture and Restoration of Abatements. As a consequence of violations of institutional rules or the Uniform Code of Military Justice, a confinement facility commander may direct that a prisoner forfeit GCT, ET, and SAA that has been conditionally awarded.

1. Forfeiture

a. Confinement facilities shall use a Discipline and Adjustment Board for forfeitures.

b. Only abatement that has actually been earned before or on the date of a violation is subject to forfeiture. GCT subtracted from a prisoner's release date per subparagraph 4a(3)(b) above, but not yet earned, is not subject to forfeiture.

c. Generally, ET and SAA should be considered as "vested". In cases that warrant significant forfeitures, GCT will be forfeited prior to ET, and ET will 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 pretrial prisoners is subject to forfeiture in the same manner as post-trial prisoners, but forfeitures shall be held in abeyance until the sentence to confinement begins.

2. Restoration. Forfeited GCT, ET, and SAA may be reinstated at the discretion of the confinement facility commander.

SECTION 5. TRAINING

9501. TRAINING. Confinement facility commanders shall ensure all staff and prisoners are fully aware of the GCT, ET, and SAA programs, as well as changes to sentence computation procedures.

1. Instructions concerning the elements of GCT, ET, and SAA programs, as well as prisoner opportunities and responsibilities, shall be thoroughly explained in the reception phase.

2. Orientation of GCT, ET, and SAA programs shall be included in pre-service/in-service training and annually thereafter for all staff personnel.

SECTION 6. VICTIM WITNESS ASSISTANCE PROGRAM

9601. VICTIM WITNESS ASSISTANCE PROGRAM. DODI 1030.2 of 4 June 2004) and reference (f) require notification of victims and witnesses by using DD 2705 (Dec 94), Victim/Witness Notification of Inmate Status. This form is used to advise victims and witnesses of all release and release-related activities, transfers, and escapes. All correspondence shall be sent Certified Mail, Return Receipt Requested. The receipt shall be filed in the Victim and Witness Notification Record. If any Certified Mail is returned, the confinement facility victim witness coordinator (VWC) shall attempt to telephone the individual.

1. Initial Contact. Acknowledgement of Request to Participate, shall be sent to victims and witnesses within 10-working days of receipt of DD 2704 (Mar 99), Victim/Witness Certification and Election Concerning Inmate Status. A completed DD 2705 (section I; section II, block 3, 4, 5 and 6; section III 8.a and 8.b; and section V) shall be included with the initial enrollment letter. Enclosure (8) provides victims and witnesses with information

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that the prisoner's release date is subject to monthly change with the accrual of GCT, ET, and SAA.

2. Release. When a finalized release date is ascertained (normally within the last 30 days as ET shall not be awarded within 30 days of the scheduled release date from confinement), the confinement facility VWC shall notify victims/witnesses of the prisoner's release date. Using DD 2705 (Dec 94), Victim/Witness Notification of Inmate Status, provide the date, reason for release, and destination (city and State). Notification should be made as soon as release is scheduled. Telephone contact shall be made when the prisoner is unexpectedly released and DD 2705 will not be received by the victim or witness prior to the prisoner's release.

CHAPTER 10
MISCELLANEOUS SERVICES

SECTION 1. MEDICAL SERVICES

10101. MEDICAL OFFICER. CO/OIC/CPOIC shall request the written appointment of a medical officer, who will assure that daily sick call, physical examinations, referral for dental care, and screening for psychiatric referral are conducted at the confinement facility per Manual of the Medical Department. This person will advise the CO/OIC/CPOIC in matters pertaining to the physical condition and well being of both prisoners and staff. Evidence of unsanitary or unhealthy conditions must be reported promptly to the CO/OIC/CPOIC. B&W/DIMRATS or special diet shall not be imposed as a disciplinary measure unless the medical officers have certified, in writing, that in their opinion, this will not result in any serious deterioration of the prisoner's health. Medical personnel shall provide a daily re-evaluation of the prisoner's fitness to continue segregation or special diet, and medical personnel making segregation visits for this purpose shall sign DD 509, Inspection Record of Prisoner in Segregation, kept in the segregation unit.

10102. MEDICATION. Only medical personnel shall administer controlled substances and medication for prisoners. Confinement facility staff members, when trained by medical personnel, may administer prisoner medication, other than controlled substances, after working hours, as directed by medical personnel. If staff members administer such medication they will ensure the medication is consumed by the prisoner. The staff member shall maintain a Medication Administration Record as provided and reviewed by a corpsman daily.

10103. PARAMEDICAL PERSONNEL. Paramedical personnel (hospital corpsmen) may conduct routine sick call; and shall refer to a medical officer patients beyond their competence/authority and patients specifically requesting to be seen by a medical officer. They shall also make follow-up care visits at the direction of a medical officer. Paramedical personnel may perform the initial confinement examination under certain circumstances (see article 7205). Paramedical personnel shall be assigned to full-time duty in confinement facilities large enough to justify such an assignment.

10104. HUMAN IMMUNODEFICIENCY VIRUS (HIV)/ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

1. HIV and AIDS positive cases are relatively rare occurrences in naval brigs, though where present are medical issues with security ramifications. Staff should not make moral judgments regarding HIV-positive individuals. As such, correctional management of the HIV will be a three-level effort: information and training, screening, and management of actual/suspected cases.

2. SECNAVINST 5300.30C establishes DON policy on identification, surveillance, and administration of military members infected with HIV, and is applicable within the Navy corrections program.

3. Guidelines

a. Prisoners known or subsequently found to be HIV-positive may be housed in naval brigs. If inadequate medical care is available, the Brig CO/OIC/CPOIC may request transfer to another corrections facility where treatment may be more readily available.

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. As required in article 3503, staff will receive annual training in bloodborne/airborne pathogens.

c. Asymptomatic HIV-positive prisoners will 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 CO/OIC/CPOIC, brig medical staff, and the XO/AOIC/technical director/security officer. The decision to notify other individuals will be made only by the CO/OIC/CPOIC 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, 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 Health Insurance Portability and Accountability Act (HIPAA). 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 housing.

4. 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 physician responsible for medical care. Each case shall be evaluated on its own merits and individual circumstances.

10105. HEALTH/DENTAL RECORDS. Confinement facility shall maintain the health and dental records of all prisoners. These records will be placed under the supervision of the brig medical officer.

1. Health and dental records of prisoners shall be maintained per chapter 16 of reference (1).

2. Health record shall accompany the prisoner if admission to the hospital is required.

3. Health or dental record shall accompany the prisoner whenever the prisoner has an outpatient or dental appointment.

4. Health or dental record shall be handled only by the escort in order to ensure documented care is not removed from the records.

10106. MENTAL HEALTH EVALUATIONS

1. DODD 6490.1 of 1 October 1997, as implemented by DODI 6490.4 of 28 August 1997.

a. Assigns responsibility and prescribes procedures for the referral, evaluation, treatment, and administrative management of servicemembers who may require mental health evaluation, psychiatric hospitalization/assessment of risk for potentially dangerous behavior.

b. Establishes procedures to protect the rights of servicemembers referred by COs for mental health evaluations, including whistleblower protections.

c. Establishes procedures for psychiatric hospitalization of active duty servicemembers.

d. Provides guidance to mental healthcare providers and COs about evaluations, treatment, and recommendations for administrative management of servicemembers referred for mental health evaluations who may suffer from serious mental disorders and who may be imminently or potentially dangerous.

2. Prior to referral of a prisoner for a routine (non-emergency) mental health evaluation, CO/OIC/CPOIC shall consult with a mental healthcare provider or other health care provider if a mental health care provider is not available.

10107. BLOOD DONATIONS. It is BUMED policy Navy blood centers not accept prisoners' blood. Therefore, confinement facilities shall not hold organized blood drives that involve prisoner participation.

SECTION 2. SUPPORT SERVICES

10201. MESS DECK OPERATIONS

1. Security Measures. Prisoners may be used as mess personnel under the mess supervisor's direction. Mess deck is a critical

area of operation as it applies to the security and morale of staff and prisoners alike. Sanitation of the mess deck must be monitored by medical department personnel. Food service/sanitation standards are prescribed in NAVMED P5010-1, Manual of Naval Preventive Medicine, and must be strictly adhered to. A staff member shall be assigned to supervise the mess deck operation and monitor the quality and quantity of food served. Larger confinement facilities 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 facility dining area shall be of the same quality and quantity as that served in the base or station dining facilities. Prisoners shall be allowed sufficient time to eat their meals (not less than 20 minutes) in a normal manner and with the proper utensils. 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. Prisoners in disciplinary segregation shall be fed in their cells and may be required to use disposable plates, cups, and utensils. Security measures for prisoners in special quarters will be determined by the CO/OIC/CPOIC. All utensils used in segregation shall be accounted for.

2. Refusal of Food. The Brig CO/OIC/CPOIC 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).

(b) staff observe the prisoner(s) to be 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.

(b) Staff observe the prisoner(s) to be 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 a medical officer for evaluation and, when appropriate, for treatment.

(2) When staff considers it prudent to do so, 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 metabolic or certain other illnesses, 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 medical 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. BRIG O or security personnel while in the MTF shall

maintain the prisoner under close observation. Prisoners in administrative or disciplinary segregation may be retained in their respective housing units unless the medical staff determines movement to other quarters is medically necessary.

c. Reporting. NAVPERSCOM (PERS-68) or CMC (PSL Corrections) is to 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 cell, 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) A prisoner under hunger/drinking strike management may purchase normal health and comfort items, such as stamps, etc., depending on custody status.

(4) 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 the 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.

(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.

(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 paragraphs 6a and 6b.

(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

(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 CO/OIC/CPOIC shall provide prompt notification to NAVPERSCOM (PERS-68) 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-68) or CMC (PSL Corrections). Forced treatment must be cleared through the staff judge advocate unless precluded by medical emergency.

(b) Only the brig medical officer may order forced medical treatment once legal consent obtained, unless precluded by medical emergency.

(5) Medical staff shall normally continue clinical and laboratory monitoring, as necessary, until the prisoner's life or health is no longer threatened. Treatment shall normally 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.

10202. LAUNDRY OPERATIONS. All facilities will ensure adequate means of washing prisoners' clothes are provided. Laundering of sheets, pillowcases, and dry cleaning of blankets will be

accomplished by the confinement facility or at a command laundry facility. Sheets, pillow cases, towels, and face cloths will be laundered at least once a week. Soiled blankets will be laundered as necessary. At no time is the use of prisoner laundering facilities, located within a confinement facility, authorized for use by staff members or other private individuals or organizations without specific authorization of the CO/OIC/CPOIC. 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 facility. A staff member trained in the use of laundry equipment, shall be assigned to supervise this operation.

10203. BARBER SHOP OPERATIONS

1. Barber services shall be provided by the confinement facility. Prisoners in a non-pay status shall be funded from the confinement facility's operating budget, unless the haircut is provided by a staff or prisoner barber, as outlined below. Prisoners in a pay status will normally receive and pay for haircuts by debit to their pay account; however, in all cases, haircuts provided by staff 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).
4. Barbershops located within a facility shall meet all sanitation requirements directed by medical regulations.
5. Confinement facility shall maintain a file of current licenses and certificates of military barbers.

10204. LIBRARY SERVICES. Confinement facility library is a branch of the installation library.

1. Availability. Library services shall be available within the confinement facility as part of the total program. These services shall provide an opportunity for education, information, and recreation. Library shall be readily accessible and provide a selection of up-to-date material. Close coordination shall be maintained with the installation library which has the responsibility for all facilities and personnel of the command. 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 confinement facility. If not part of the confinement facility budget, newspapers and periodicals shall be provided by the installation library as part of the library program. Naval General Library Manual (NOTAL) can offer pertinent information regarding library services.

CHAPTER 11
SHIPS' BRIGS

SECTION 1. POLICIES

11101. LIMITATIONS. A ship's limitations in space, available personnel, and program resources require the selected application of the provisions of this manual. Following articles are provided to clarify the requirements as they apply to ships' brigs. With the exception of the clarification presented in this chapter, articles of this manual will be applied to ships' brigs. Afloat confinement facilities are often operated by CV's, CVN's, LHA's, and LHD's, and may be operated by tenders with facilities when in a port where there is no ashore confinement facility and the Fleet Commanders have authorized the brig for operation. Other ships may be specifically designated by the Fleet Commanders to operate a brig. Detailed policy is contained in reference (h).

11102. PHYSICAL PLANT. Cells in ships' brigs are not required to conform to the size specified for cells in shore confinement facilities. See article 2101.2 of this manual for structural standards prescribed for ships' brigs.

11103. STAFF

1. Staffing. All ships required to operate brigs (see 11101 above) shall be assigned five billets with Navy Enlisted Classification Code (NEC) 9575 or NEC 2008 and one billet with NEC 9516. Ships not required to operate a brig but which, in consideration of isolated operations, are given specific authorization by the Fleet Commanders to operate the BRIG On deployment, must have at least three persons on board assigned to the brig who possess NEC 9575 or NEC 2008, and one person on board assigned to the BRIG On a collateral duty basis who possesses NEC 9516. These personnel will be augmented by other qualified ship's company personnel. For selection and assignment criteria, see articles 3102 and 3103 of this manual. A minimum of two staff members, one of which must possess the 9575 or 2008 NEC, will be on duty in the brig at all times when prisoners are confined.

2. Training. All assigned staff shall complete Afloat Brig Training Course number A-831-0003 prior to assumption of any unsupervised brig watch duties. Echelon 2/3 command or NAVPERSCOM (PERS-68) may be contacted for class schedules.

3. Conflicting assignments. Conflicting assignments shall be avoided. Examples include assigning the BRIG O billet as a collateral duty for staff JAG officers or ship security officers. Other security force personnel may be assigned brig duty provided no other law enforcement-related duties are also assigned. Article 3103.2 of this manual refers.

11104. EMERGENCY BILLS. Brig emergency bills will incorporate the ship's "Man Overboard" and "Abandon Ship" bills.

11105. PROGRAMS. An extensive correctional program is not required; however, prisoners shall work, except B&W prisoners will remain in their cells. Other programs, such as PT, military drill, and counseling shall be provided.

11106. RECORDS AND REPORTS

1. Log. Brig log in most ships' brigs is sufficient to account for prisoner movement. Other accountability systems or logs required in article 8104 of this manual may be incorporated in the brig log.

2. Confinement and Release Records. DD 2707, Confinement Order, and DD 2718, Inmate's Release Order, shall be used.

3. Prisoner File. A prisoner file shall be maintained on all prisoners confined in a ship's brig. At a minimum, this file will contain DD 2707, DD 2710, Inmate Background Summary, except for B&W, DD 2714, Inmate Disciplinary Report, DD 509, Inspection Report of Prisoner in Segregation, and DD 2718, Inmate's Release Order. This file shall be retained in the brig.

11107. ADMINISTRATIVE MATTERS

1. Funds and Valuables. Prisoner funds and valuables shall be deposited with the disbursing officer. Procedures for such action shall be specified in the brig standard operating procedures and be per reference (h).

2. Personal Property. Prisoner personal property in the brig shall be limited to essential items. All other personal property shall be inventoried and secured by the prisoner's division officer until release from confinement.

SECTION 2. CONFINEMENT POLICIES

11201. CONFINEMENT OF MALES/FEMALES. Persons of either sex may be confined in a ship's brig as long as the conditions of article 7103.2 of this manual are followed.

11202. USE OF SHIP'S BRIG WHILE IN PORT. Ship's personnel may be confined in the ship's brig while in port as long as the time constraints are observed (see article 7104.3).

11203. DETENTION OF PRISONERS OF WAR (POW), CIVILIAN INTERNEES (CI), AND OTHER DETAINED PERSONS (DET) ABOARD NAVAL VESSELS

1. Background

a. International law requires humane treatment of POWs, CIs, and DETs at all times.

b. International treaty law expressly prohibits "internment" of POWs other than in premises located on land, but does not specifically address temporary stays on board vessels. Customary practice has allowed temporary custody as discussed below. Although internment is not defined, prohibition on internment requires policy carefully limiting detention of POW/CI/DET on board vessels.

2. Policy

a. Detention of POW/CI/DET on board naval vessels will be limited as follows:

(1) POW/CI/DETs picked up at sea may be temporarily held on board as operational needs dictate, pending a reasonable opportunity to transfer them to a shore facility or to another vessel for evacuation to a shore facility.

(2) POW/CI/DETs may be temporarily held on board naval vessels while being transported between land facilities.

(3) POW/CI/DETs may be temporarily held on board naval vessels if such detention would appreciably improve the safety or health prospects for the POW/CI/DETs.

b. Holding of POW/CI/DETs on board vessels must be truly temporary, limited to the minimum period necessary to evacuate the POW/CI/DETs from the combat zone or to avoid the significant harm the POW/CI/DET would face if detained on land.

c. Use of immobilized vessels for temporary holding of POW/CI/DETs is not authorized without national command authority approval.

CHAPTER 12
DETENTION FACILITIES

SECTION 1. POLICIES

12101. LIMITATIONS

1. Detention facilities are shore spaces that are used only to temporarily detain personnel apprehended by military authorities, or turned over to the military by civilian authorities. Authority to arrest/confine is listed in article 7201. Personnel should be detained/confined in detention cells only for short periods of time and should be transferred to the nearest BRIG Or confinement facility as soon as it is feasible. The limited use of detention facilities requires the selected application of the provisions of this manual. The following articles are provided to clarify the requirements of this manual as they apply to detention facilities. With the exception of the clarifications presented in this chapter the articles of this manual shall be strictly applied to detention facilities.

2. Article 2101.3 identifies the two types of detention facilities: the detention space, and the holding cell.

3. Health, welfare, and safety of these prisoners while detained must be the primary concern. This chapter sets forth policies and procedures designed to ensure both welfare of prisoners and staff and compliance with legal requirements.

4. Persons may be detained only if there has been a violation of the UCMJ. Under no circumstances may an individual be placed in detention for "protective custody," "safekeeping," or any other such general charge when no violation of the UCMJ is indicated. See article 7102 of this manual.

5. No person shall be confined in a detention facility without a properly executed DD 2707, Confinement Order, or DD 1569, Incident/Complaint Report. If DD 1569 is used, a confinement order is required when detention continues beyond 24 hours.

6. Function

a. Holding Cell. A holding cell is used for short-term detention, defined to mean not more than 24 hours during the

work week, not more than 72 hours over a weekend, and not more than an additional 24 hours over an official holiday weekend. Detention in excess of 24 hours is authorized only with the express approval in each instance of the CO of the installation on which the holding cell is located, or their designated representative. This limitation may be extended, on a case-by-case basis, for up to 30 days by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Initial review officer requirements exist when initial detention exceeds 24 hours or pretrial confinement is deemed necessary. Pretrial or post-trial personnel may be confined in a holding cell for more than 72 hours under the following conditions:

(1) When an individual has been sentenced to confinement by a court-martial and is pending transfer to a confinement facility.

(2) When an individual has been placed in confinement in a confinement facility, and is moved to, and confined in, a detention facility for the purpose of appearing as a witness or as the accused in a court-martial proceeding.

(3) When a general court-martial convening authority deems it necessary to retain an accused locally, during progress of a court-martial, in the absence of a confinement facility.

b. Detention Space. A detention space is any cell, room, or other berthing space of the shore establishment used for short-term detention, defined to mean not more than eight hours.

7. Persons of either sex may be confined in a detention facility as long as the conditions of article 7103.2 of this manual are followed.

8. Detention facilities will not be used to confine persons under the influence of alcohol or narcotics, except for brief periods of time (not to exceed 4 hours) necessary for command representatives or medical personnel to arrive and assume custody. During such brief periods, constant surveillance must be maintained to monitor the behavior and physical condition of such persons. Refer to article 12502.3c of this chapter.

9. Administrative disciplinary measures contained in chapter 5 of this manual are not applicable to holding cells and detention spaces.

SECTION 2. PHYSICAL PLANT

12201. REQUIREMENTS

1. Authorization. Detention facilities shall be made operational per article 2101.3 of this manual.

2. Number and Location. Number of cells required by an activity depends upon the population served; however, at least two usable cells shall normally be available. Where possible, cells shall be located near the security watch desk but sufficiently removed so as not to hamper normal operations or be accessible to casual visitors. Cells shall not be located below ground level nor in upper stories requiring the use of stairs. When females are detained, female supervisory personnel must be utilized, and segregation must be provided for males and females.

a. Detention facilities of another service may be utilized, if that service agrees and if such facilities meet the standards prescribed herein for naval detention facilities.

b. Refer to article 2101.6 of this manual for use of civilian local detention and correctional facilities. If a civilian confinement facility is used, approval must be obtained from the Echelon 2 commander within 2 work days after confinement in order to continue detention in the civilian facility or as published by service policy.

3. Size. Single occupancy cells are preferred. Existing cells will be at least 6 feet wide, 8 feet long, and 8 feet high. If multiple occupancy cells are used for very short-term detention periods (up to 8 hours), each detainee will be provided a minimum of 20 square feet, exclusive of head facilities.

4. Construction Requirements. Walls, ceilings, and floors shall be constructed of noncombustible and fire resistant hardened materials sufficiently secure to prevent escape. Use of suspended or false ceilings is prohibited. Lighting fixtures in cells shall be security type (vapor proof, shatter proof, and

recessed flush with security type screws). All water piping, electrical outlets, fixtures, switches, and heating or cooling conduits will be inaccessible to detainees.

5. Materials and Equipment. A closed circuit television may be utilized for observation of the detention space. Refer to article 2209.11b of this manual.

6. Habitability Requirements

a. Plumbing. Each cell shall have internal plumbing providing hot and cold water. A metal combination security type fixture, which contains a commode, lavatory and water bubbler, is desirable.

b. Lighting. Each cell shall be provided with an individual security light fixture with not less than 20-foot candlepower 30 inches above the finished floor. Spaces below 30 inches shall be painted a light color. Light controls will be located outside the cell.

c. Temperature and ventilation. Temperature and ventilation in cells will be maintained per reference (k). Ventilation shall not fall below 10 cubic feet per minute per prisoner.

d. Lighting, temperature and ventilation tests will be regularly conducted, per article 2204.2d(4) of this manual, at least every 2 years. Results shall be maintained on file for 3 years.

7. Fire Protection. Installation fire department shall prescribe the type of fire alarms, fire sprinkler systems, and fire extinguishers required for the facility per National Fire Protection Association (NFPA) 101, Life Safety Code. Fire extinguishers shall be readily accessible to staff in the event of an emergency but shall be inaccessible to detainees. Fire department shall conduct regular (at least quarterly) inspections and on-site fire drills.

8. Construction and Alteration. All commands operating holding cells or detention spaces will ensure NAVPERSCOM (PERS-68) or CMC (PSL Corrections) is aware of the existence, size, and location of the cells or spaces. Any command desiring to open,

renovate, or close a holding cell or detention space must obtain prior approval from NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

SECTION 3. STAFF

12301. TRAINING

1. Navy Enlisted Classification (NEC)/Military Occupational Standard (MOS). Personnel assigned to a detention facility shall possess NEC 2008/9575 or MOS 58XX (corrections specialist or military police).

2. Pre-service/In-service Training. Personnel assigned to supervise a detention facility shall complete training as specified by NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

3. Force. Use of force will conform to articles 3402, 4402, 4403, and 4404 of this manual.

a. No individuals shall be permitted to supervise a detention facility until they have received instructions on applicable regulations relating to the use of force in the performance of such duties. In addition, instruction shall be given periodically to all personnel assigned to these duties to ensure they continue to be thoroughly familiar with all restrictions on the use of force.

b. Use of force to place a prisoner into a holding cell or detention space will be limited to the minimum amount of force required. Physical abuse, use of unnecessary force, and any form of corporal punishment is prohibited. Although use of restraining devices is normally authorized only when preparing a prisoner for transport, if a prisoner becomes violently aggressive or indicates suicidal tendencies, instruments of restraint may be applied. Such action will be immediately reported to higher authority. In extreme cases, a restraining jacket may be used when specifically authorized by a medical officer. Under no circumstances will a prisoner be chained, handcuffed, or tied to any cell fixture or stationary object. Restraints will not be continued beyond 4 hours without approval from the medical officer or CO. Striking or laying hands upon prisoners is prohibited, except in self-defense, to prevent injury to other persons, to prevent serious damage to property,

to conduct a search, or to quell a disturbance. In all cases, the amount of force used will be the minimum amount necessary to bring the situation under control.

SECTION 4. PROGRAMS

12401. SHOWERS AND EXERCISE. If prisoners are to be confined in a cell for longer than 24 hours, a shower and 1 hour of physical exercise shall be provided daily. Scheduling will depend upon the availability of supervisors, a secured space for the exercise, and satisfactory behavior of the prisoner.

SECTION 5. ADMINISTRATION AND OPERATIONS

12501. ADMINISTRATION

1. Logbook. A holding cell/detention space log will be maintained as a bound ledger with consecutively pre-printed numbered pages. Per reference (n), the log will be marked "For Official Use Only" and retained for 2 years from date of the last entry and destroyed. All events of significance will be recorded in the log. At a minimum, the following information will be recorded in the log:

a. For detained members; name; SSN; their command; reason for detention; date and time of detention; and name and grade of the person ordering the detention.

b. For released members; name; SSN; their command; date and time of release; and disposition of the prisoner.

c. Conduct and results of all inspections, fire drills, and lighting and ventilation tests, to include date and time of the event, as well as name and grade of the individual performing the action. It is recommended the presence of maintenance workers be entered, to include a description of work performed.

2. Files. All forms related to the detention of a prisoner shall be retained for 2 years from date of release and then destroyed, per reference (n). At a minimum, following required forms shall be on file and properly completed:

- a. DD 2707, Confinement Order, DD 1569, Incident/Complaint Report, or NAVMC 11130, Statement of Force/Use of Detention Space.
- b. DD 509, Inspection Record of Prisoner in Segregation.
- c. NAVPERS 1640/17, Prisoner Inventory and Receipt of Valuables and Personal Effects, or OPNAV 5527/22, Department of the Navy (DON) Evidence/Property Custody Document.
- d. DD 2709, Privacy Act Statement. A Privacy Act Statement shall be completed on all prisoners prior to collection of required personal information.
- e. DD 2708, Receipt for Inmate or Detained Person, or DD 2718, Inmate's Release Order, as applicable.

12502. OPERATIONS

1. Processing. Prisoners shall be thoroughly searched prior to detention. Funds, valuables, and other items in the prisoner's possession (other than clothing being worn, a wedding ring, or religious medallion) will be taken from the prisoner. Items taken will be inventoried on a OPNAV 5527/22, DON Evidence/Property Custody Document or a NAVPERS 1640/17, Prisoner Inventory and Receipt for Personal Effects, with a copy of the inventory provided to the prisoner. When deemed necessary, items which could inflict bodily injury, such as belts, shoelaces, neckties, garters, and suspenders, may also be removed.

2. Medical Examination

a. Personnel may generally be detained for up to 24 hours before a medical examination is required; however, if individuals appear to be ill, requests medical attention, indicate pregnancy, exhibit suicidal ideations, or exhibit an abnormal loss of control due to use of alcohol or other drugs, they shall be examined by medical personnel and certified as being fit for confinement prior to being placed in detention.

b. If exigent circumstances require detention of these individuals prior to medical evaluation, such examination will be accomplished by the most expedient means available, with the

justification for such detention explained in detail on NAVMC 11130 or DD 1569 and annotated on the holding cell/detention space logbook. In such circumstances, medical personnel shall be immediately notified a medical examination is required. Even in the absence of these factors, individuals under the influence of alcohol or other drugs may only be placed in detention for brief periods of time (not to exceed 4 hours) necessary for command representatives or medical personnel to arrive and assume custody. During these periods, constant surveillance must be maintained to monitor the behavior and physical condition of such persons.

c. Prisoners requiring medical examination shall be physically checked every 5 minutes while awaiting arrival of medical personnel. Documentation of checks shall be provided on DD 509, Inspection Record of Prisoner in Segregation. No person shall be detained in excess of 24 hours without a medical examination (to include a pregnancy test for females) as prescribed in article 7205 of this manual.

3. Detention and Supervision

a. No person shall enter occupied holding cells or detention spaces or remain in their immediate proximity wearing firearms, nightsticks, chemical agent, or other weapons.

b. If multiple occupancy cells are utilized, segregation must be maintained for detainee/pretrial and post-trial personnel, to include individuals detained for further transport by military escorts.

c. Prisoners shall be closely supervised during the period of detention. A closed circuit television may be utilized for observation. While prisoners shall be kept under continuous observation by staff members, periodic physical checks of the prisoners are required. DD 509, or other form with a duplicate format of DD 509 (for example, on the reverse of the NAVMC 11130) will be utilized to record the frequency of checks. Prisoners exhibiting suicidal ideations will be physically checked every 5 minutes while awaiting diagnosis of being suicidal; other prisoners at least once every 15 minutes. Prisoners diagnosed by qualified medical personnel as being suicidal will not be detained, or if detained prior to

diagnosis, will not remain detained in a holding cell or detention space.

d. Meals of the same quality and quantity as that served in the base or station dining facility shall be provided at regular meal hours for personnel detained beyond 6 hours. Prisoners believed to present a security risk shall be fed in their cells. In the event of overnight detention, or detention in excess of 12 hours, minimum bedding consisting of a mattress, blanket, and pillow (with case) will be provided. Staff personnel will ensure the physical needs of the prisoners, such as water and head calls, are satisfied.

4. Emergency Measures. Detailed emergency bills shall be prepared to ensure the safety of staff and prisoners in the event of fire or disorder, as per chapter 4, section 4, of this manual. Required emergency bills include fire, natural disaster, escape, and hostage. At a minimum, the escape bill shall include an emergency recall bill of staff members, which shall be tested periodically to ensure accuracy of recall numbers and the response time of staff members. Conduct of such testing will be documented within the holding cell/detention space logbook. Fire bill shall be coordinated with and approved by the installation fire department. First aid kits and fire extinguishers shall be located so as to be accessible in the event of emergency but not immediately adjacent to cells. Fire extinguishing devices using any chemical harmful to personnel shall not be available to prisoners or located in prisoner areas.

5. Serious Incidents. Serious incidents or alleged incidents involving prisoners shall be reported to NAVPERSCOM (PERS-68) or CMC (PSL Corrections) per provisions of article 8112 of this manual.

6. Release. Upon release from detention, all money, valuables, and other personal property taken from the prisoner shall be returned, and receipted for by the owner. If the prisoner is released to the custody of another, that person shall sign a DD 629, Prisoner or Detained Person, Receipt For, and shall sign for the personal property envelope. Prisoners released on their own recognizance shall be directed to return to their unit, or other appropriate command, after being issued a NAVPERS 1626/7, Report of Disposition of Offense(s), where necessary. An entry

shall be made in the log to reflect the date and time of release, and the disposition of the prisoner. One copy of the DD 2708, Receipt for Inmate or Detained Person, or DD 2718, Inmate's Release Order, as appropriate, and the receipt for personal property shall be retained on file for 2 years by the unit operating the detention facility.

7. Transfer. A DD 2708, Receipt for Inmate or Detained Person shall be used for all transfers from detention facilities to other confinement facilities. Following records shall be transferred with the prisoner:

- a. DD 2707, Confinement Order.
- b. DD 504, Request and Receipt for Health and Comfort Supplies.
- c. DD 509, Inspection Record of Prisoner in Segregation.
- d. A copy of court-martial orders designating a confinement facility as the place of confinement.

12503. INSPECTIONS

1. Holding cells and detention spaces will be regularly inspected for cleanliness, adequate lighting and ventilation, general repair, security, and safety.
2. A daily security and sanitation inspection of the holding cell and detention space will be made by a senior member of the security staff.
3. Holding cell/detention space shall be inspected at least monthly by a member of the medical department to ensure the operation of the facility and the physical plant meet accepted health and environmental standards, and that detained personnel are provided adequate health services.
4. Detention facilities shall be inspected periodically per article 1201.5 of this manual. If use is infrequent they shall be disestablished. Senior officer can designate a space for temporary detention on an as needed basis.

5. Per article 2103.4 of this manual, a triennial on-site inspection shall be conducted by NAVPERSCOM (PERS-68) or CMC (PSL Corrections). Conduct of the inspection shall be guided by applicable service inspection checklists.

12504. WAIVERS

1. Fire, life, and safety issues require immediate correction, and waivers shall not be granted except as provided for in article 1302 of this manual. Such waiver requests shall be coordinated with the installation's fire department or base safety manager and submitted, via the chain of command, to NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

2. Waivers for other than fire, life, and safety issues may be granted based on compensatory operational procedures in effect and outlined in local policy. Such waiver requests shall be submitted via the chain of command, with full justification and compensatory measures, to NAVPERSCOM (PERS-68) or CMC (PSL Corrections).

12505. FIELD EXPEDIENT SPACES. Holding cells or detention spaces utilized during field or combat operations shall correspond to established design standards to the maximum degree feasible under existing conditions. Administration and operations shall be consistent with this manual. A medical officer shall approve field expedient spaces prior to their use. Detention in field expedient spaces shall be for the minimum amount of time for determination of release to a command representative or transport to a longer-term facility.

CHAPTER 13
CORRECTIONAL CUSTODY

13101. ADMINISTRATION OF CORRECTIONAL CUSTODY UNITS (CCUs)

1. Purpose. To provide guidance to COs and OICs in the administration of correctional custody as an authorized disciplinary measure, and to establish policy permitting commingling, when approved by NAVPERSCOM (PERS-68) or CMC (PSL Corrections), of adjudged prisoners in institutional-custody status and correctional custody awardees at combined brig and CCUs located on Navy and Marine Corps facilities.

2. Discussion. Reference (c), part V, delineates the policies governing nonjudicial punishments and the actions that can be taken under reference (a), article 15. Correctional custody and other punishments authorized under reference (a), article 15, are corrective in nature and are designed to provide COs and authorized OICs with the means to correct minor disciplinary infractions without resorting to the court-martial system.

3. Background. The Navy Disciplinary System Study and Facility Master Plan 1985 was approved by SECNAV/CNO and funded by Congress to implement a new three-tier brig program. One recommendation of the Master Plan was to merge correctional custody and brig programs at new "waterfront" brigs to decrease total corrections-staff requirements and increase over-all CCU use. Correctional custody may be served in barracks and facilities located adjacent to brig sites. CHNAVPERS/CMC is authorized to permit brig prisoners in installation-custody status to be placed with CCU awardees. Such authority does not include housing CCU awardees in brigs, or commingling them with brig prisoners not in an installation-custody status.

13102. POLICY

1. Authorization. CCUS shall be made operational per article 1201 of this manual.

2. Location. Correctional custody shall be served in a centralized ashore CCU. When approved by NAVPERSCOM (PERS-68) or CMC (PSL Corrections), a combined Navy brig/CCU facility or barracks located at brig sites may be used for persons serving correctional custody. The CCU facility shall be distinct

entities outside the secured perimeter of the brig and the correctional custody awardees shall not be placed in the general brig prisoner population. However, when approved by NAVPERSCOM (PERS-68) or CMC (PSL Corrections), prisoners who have been assigned Installation Custody per article 4201 shall be placed in facilities and programs with correctional custody awardees. Correctional custody should be served under conditions that permit the individual to perform duties related to the individual's career field or general military duties, with intensive counseling and guidance, both on the job and after working hours. COs and OICs responsible for administering correctional custody shall establish procedures that provide effective guidance and assistance to offenders in discovering and correcting the cause of their misconduct. Total resources available to the command or facility must be brought to bear in this effort to counsel and guide the offender.

3. Afloat Correctional Custody. (Not authorized)

4. Designated Spaces. Spaces designated for physical restraint of persons serving correctional custody shall meet minimum standards for health, safety, and control. These standards shall include normal heating, lighting, and ventilation, and ready access to adequate drinking water and head facilities. The medical officer shall inspect the space and certify in writing that it meets at least minimum standards. Funding and staffing of centralized facilities must be accomplished within current local budgets and manpower levels.

5. Supervision

a. A qualified and trained supervisor shall be assigned whenever the space is in use. Since correctional custody will be served in spaces lacking special features, custody is effected by the presence of the supervisor. The selection of mature, well-qualified supervisors is therefore essential. Supervisors shall not be armed but should wear a duty belt, brassard, or similar indication of their official capacity.

b. The supervisor shall assure that the daily routine is carried out when any person serving the punishment is within the space. The officer of the day or command duty officer, as appropriate, shall inspect the space without advance notice at least weekly.

6. Correctional Custody Program

The correctional counselor (NEC 9516) is responsible to the CO/OIC for counseling and education programs as described in articles 6305, 6306, 6307, 6308, and 6313. The CCU counselor's duties shall also include, but not be limited to: coordinating military subject instruction; maintaining liaison with agencies that can assist in the overall program (e.g., banks, Fleet and Family Support Centers, and Chaplains); and referring the servicemember to other members of the command if specialized assistance is needed in correcting the cause(s) of the offense. The correctional counselor shall make recommendations to the CO with regard to the servicemember's eventual disposition.

b. A suitable productive work assignment shall be selected for the servicemember while in correctional custody. The assigned work shall not be as a regular watchstander or involve the bearing of arms or supervision over others.

c. An intensive training program of motivational and attitude-building shall be included in the daily routine.

d. The daily routine shall be highly regimented and shall include close order drill and a physical training program.

7. Prohibitions. CCUs shall not employ special security features, and shall not utilize cells, locked rooms, or isolated spaces. The use of restraining devices is not authorized except when directed by a medical officer or the CO to prevent members from injuring themselves.

8. Release. Those officers authorized to impose the nonjudicial punishment of correctional custody shall be authorized to release personnel from correctional custody.

13103. ACTION. To ensure uniformity in the administration of correctional custody throughout the naval service, strict adherence to the standards set forth in this manual is required. A co or oic administering correctional custody within the command shall be governed by the provisions of this manual.

a. CNO shall promulgate standardized policy and procedures for the administration of Navy CCUs consistent with this manual.

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b. CMC shall promulgate standardized policy and procedures for the administration of Marine Corps CCUs consistent with this manual.

DD 2709 (Nov-99)	Privacy Act Statement
DD 2710 (Nov-02)	Inmate Background Summary
DD 2710-1 (Jun-04)	Prisoner Sentence Computation
DD 2711 (Nov-99)	Initial Custody Classification
DD 2711-1 (Nov-99)	Custody Reclassification
DD 2711-2 (Nov-99)	Custody Initial/Reclassification Summary Addendum
DD 2712 (Nov-99)	Inmate Work and Training Evaluation
DD 2713 (Nov-99)	Inmate Observation Report
DD 2714 (Nov-99)	Inmate Disciplinary Report
DD 2715 (Nov-99)	Clemency/Parole Submission
DD 2715-1 (Nov-99)	Disposition Board Recommendation
DD 2715-2 (Nov-99)	Inmate Summary Data
DD 2715-3 (Nov-99)	Inmate Restoration/Return to Duty, Clemency and Parole Statement
DD 2716 (Nov-99)	DOD Parole Acknowledgement Letter
DD 2716-1 (Nov-99)	Certificate of Parole

DD 2718 (Nov-99)	Inmate's Release Order
DD 2719 (Nov-99)	Continuation Sheet
DD 2791 (Nov-99)	Notice of Release of Military Offender Convicted of Sex Offense
DD 2791-1 (Nov-99)	Prisoner's Acknowledgement of Sex Offender Registration Requirements

4. The following forms are available from the Navy Supply System:

NAVMED 6550/8 (Rev. 4-74)	Medication Administration Record S/N 0105-LF-216-5581
NAVPERS 1626/7 (Rev. 12-88)	Report and Disposition of Offense(s) S/N 0106-LF-005-2700
NAVPERS 1640/8 (Rev. 4-78)	Conduct Record S/N 0106-LF-016-4040
NAVPERS 1640/11 (Rev. 10-80)	Monthly Report of Prisoners/Correctional Custody Personnel S/N 0106-LF-016-4055
NAVPERS 1640/13 (Rev. 6-81)	Prisoner/Awardee Evaluation Report S/N 0106-LF-016-4065
NAVPERS 1640/15 (Rev. 6-81)	Mail and Visiting List S/N 0106-LF-016-4078
NAVPERS 1640/16 (Rev. 7-78)	Prisoner Identification Badge S/N 0106-LF-016-4080
NAVPERS 1640/17 (Rev 4-81)	Inventory and Receipt of Valuable, Clothing and Personal Effects S/N 0106-LF-016-4085
NAVPERS 1640/18 (Rev. 6-72)	Prisoner Escort Identification S/N 0106-LF-079-3000

NAVPERS 5000/64 Records Transmittal
(Rev. 12-86) S/N 0106-LF-150-6403

5. The following forms are available from the General Services Administration:

SF 135 Records Transmittal and Receipt
(Rev. 7-85) S/N 7540-00-634-4093

SF 135A Records Transmittal and Receipt
(Rev. 7-85) Continuation
S/N 7540-00-823-7952

6. The following two forms may be ordered through the Marine Corps Logistics Base, Albany, Georgia:

NAVMC 604 Combined Individual Clothing Requisition
(Rev. 4-94) and Issue Slip (Men's) (10120)
S/N 0000-00-000-8613

NAVMC 604b Combined Individual Clothing Requisition
(Rev. 5-94) and Issue Slip (Women's) (10120)
S/N 0000-00-000-8811

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
(Rev 12-84) U.S. G.P.O. 1987-179-226

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APPENDIX B
NAVY PA SYSTEMS OF RECORDS NOTICE NO1640-1
INDIVIDUAL CORRECTIONAL RECORDS

Go to <http://privacy.navy.mil/noticenumber/N01640-1.pdf> for a copy of this system notice.

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