

DEPARTMENT OF THE NAVY
Office of the Secretary
Washington, DC 20350-1000

SECNAVINST 1640.7D
Pers-84
22 January 1993

SECNAV INSTRUCTION 1640.7D

From: Secretary of the Navy
To: All Ships and Stations

Subj: ADMINISTERING CORRECTIONAL
CUSTODY, DEPARTMENT OF THE
NAVY CORRECTIONS MANUAL

Ref: (a) Manual for Courts-Martial, United
States, 1984 (Rev.)
(b) SECNAVINST 1640.9A
(c) JAGMAN

1. Purpose. To provide guidance to commanding officers and officers in charge in the administration of correctional custody as an authorized disciplinary measure, and to establish policy permitting commingling, when approved by the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC), of adjudged prisoners in an installation-custody status and correctional custody awardees at combined brig and correctional custody units located on Navy and Marine Corps facilities. This instruction is a complete revision and should be read in its entirety.

2. Cancellation. SECNAVINST 1640.7C.

3. Discussion. Part V of reference (a) delineates the policies governing nonjudicial punishment and the actions that can be taken under Article 15, Uniform Code of Military Justice (UCMJ). Correctional custody and other punishments authorized under Article 15, UCMJ, are corrective in nature and are designed to provide commanding officers and officers in charge with a means to correct minor disciplinary infractions without resorting to the court-martial system.

a. Correctional custody provides commanders with a means of maintaining good order and discipline and of promoting positive behavior changes, through close supervision, in servicemembers without the stigma of a court-martial conviction.

b. Part V, paragraph 5c(4) of reference (a), states: Correctional custody is the physical restraint of a person during duty or non-duty hours, or both, imposed as a punishment under Article 15, and may

include extra duties, fatigue duties, or hard labor and an incident of correctional custody. A person may be required to serve correctional custody in a confinement facility, but, if practicable, not in immediate association with persons awaiting trial or held in confinement pursuant to trial by court-martial. A person undergoing correctional custody may be required to perform those regular military duties, extra duties, fatigue duties, and hard labor which may be assigned by the authority charged with the administration of the punishment.

c. Section 0111b of reference (c) prohibits the imposition of correctional custody on persons in pay grade E-4 and above, unless unsuspended reduction below pay grade E-4 is imposed. Section 0112a(4) of reference (c) prohibits the imposition of correctional custody on Reserve component personnel on inactive duty training.

4. 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. CNP/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.

5. Policy. Correctional custody will be served in a centralized ashore correctional custody unit (CCU). When approved by the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC), a combined Navy brig/CCU facility or barracks located at brig sites may be used for persons serving correctional custody. The CCU facilities will be distinct entities outside the secured perimeter of the brig and correctional custody awardees will not be placed in the general brig prisoner population. However, when approved by the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC), prisoners who have been assigned Installation

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Custody pursuant to reference (b) may be placed in the same facilities and program 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. Commanding officers and officers in charge responsible for administering correctional custody will establish procedures which 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.

a. Afloat Correctional Custody Units. (Not authorized)

b. Assignment to Correctional Custody Units. Navy CCUs shall accept offenders from tenant or other area commands, and vessels homeported in that area. Marine Corps CCUs shall accept personnel as designated by the commanding officer operating the unit. Upon departure of a homeported vessel for other than local operations, individuals serving correctional custody will be returned to their ship. Persons awaiting mast, office hours, administrative separation, or trial by courts-martial will not be housed in spaces designated for correctional custody. When an offender is serving correctional custody in a unit outside the command to which assigned, the commanding officer or officer in charge imposing correctional custody, or a designated representative, will visit the individual at least weekly to counsel and maintain contact with the individual.

c. Designated Spaces. Spaces designated for the physical restraint of persons serving correctional custody will meet minimum standards of health, safety, and control. These standards will include normal heating, lighting, and ventilation, and ready access to adequate drinking water and head facilities. The medical officer will 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.

d. Supervision

(1) A qualified and trained supervisor shall be assigned whenever the space is in use. Since correctional custody will be served in spaces lacking special security features, custody is effected by the presence of the supervisor. The selection of mature, well-qualified supervisors is therefore essential. Supervisors will not be armed but should wear a duty belt, brassard, or similar indication of their official capacity.

(2) The supervisor will 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, will inspect the space without advance notice at least daily.

e. Correctional Program

(1) A correctional counselor will be assigned to each CCU to interview the servicemember, observe and keep an informal record of servicemember's progress, and make recommendations to the commanding officer with regard to the servicemember's eventual disposition. The correctional counselor will, when appropriate, refer the servicemember to other members of the command if specialized assistance is needed in correcting the cause(s) of the offense.

(2) A suitable productive work assignment will be selected for the servicemember while in correctional custody. The assigned work will not be as a regular watchstander or involve the bearing of arms or supervision over others.

(3) An intensive training program of motivation and attitude-building will be included in the daily routine.

(4) The daily routine will be highly regimented and will include close order drill and a physical training program.

f. Prohibitions. CCUs will not employ special security features, and will not utilize cells, locked rooms, or isolation spaces. The use of restraining devices is not authorized except when directed by a medical officer or the commanding officer to prevent members from injuring themselves.

g. Release. Those officers authorized to impose the nonjudicial punishment of correctional custody shall be authorized to release personnel from correctional custody.

6. Action. To ensure uniformity in the administration of correctional custody throughout the naval service, strict adherence to the standards set forth in this instruction is required. A commanding officer or officer in charge administering correctional custody within the command will be governed by the provisions of this instruction.

a. The Chief of Naval Operations shall promulgate standardized policies and procedures for the administration of Navy correctional custody units consistent with this instruction.

b. The Commandant of the Marine Corps shall promulgate standardized policies and procedures for the administration of Marine Corps correctional custody units consistent with this instruction.

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