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

SECNAVINST 1640.9B
Pers-84
2 December 1996

SECNAV INSTRUCTION 1640.9B

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

Subj: DEPARTMENT OF THE NAVY CORRECTIONS MANUAL

Ref:
(a) Uniform Code of Military Justice (UCMJ)
(b) U.S. Navy Regulations, 1990
(c) Manual for Courts-Martial, United States, (1995 edition)
(d) Title 10, United States Code, Section 951
(e) SECNAVINST 5815.3H
(f) SECNAVINST 1640.7D
(g) NSEC Hull Type Drawing 804 5959213 (NOTAL)
(h) OPNAVINST 1640.8 (NOTAL)
(i) Marine Corps Order 1640.3E (NOTAL)
(j) NAVFAC P-80 (NOTAL)
(k) Military Handbook 1037/4 (NOTAL)
(l) NAVMED P-117, Manual of the Medical Department, U.S. Navy (NOTAL)
(m) NAVSO P-1000, Navy Comptroller Manual
(n) SECNAVINST 5211.5D
(o) Naval Military Personnel Manual (MILPERSMAN) (NOTAL)
(p) SECNAVINST 5800.11A
(q) Navy Pay and Personnel Procedures Manual (PAYPERSMAN) (NOTAL)
(r) Source Data Systems Procedures Manual (SDSPROMAN) (NOTAL)
(s) BUPERSINST 1640.17D

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

2. **Cancellation.** SECNAVINST 1640.9A.

3. **Discussion.** The provisions of this Manual apply to the Navy and Marine Corps brigs (ashore and afloat), correctional facilities, and detention facilities. References (a) through (c) are applicable. Supplemental instructions may be issued as necessary for the operation of each confinement facility.

4. **Action.** Each addressee is responsible for the administration of the Department of the Navy corrections program in accordance with this instruction. Recommendations for the improvement of the provisions of this manual should be forwarded via the chain of command to the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN(M&RA)).

5. **Forms and Report**

a. Requisition and availability of forms is provided in appendix a.

b. The reporting requirement contained in article 8114, paragraph 1 of this instruction, Report Control Symbol BUPERS 1640-1 is approved for 3 years from the date of this instruction. (This report will no longer be required when Correctional Management Information System (CORMIS) is installed.)

c. All other reports are exempt from reports control by SECNAVINST 5214.2B.

JOHN H. DALTON

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RECORD OF CHANGES

Change Number	Date of Change	Date Received	Date Entered	Signature of person entering change

MAJOR REVISIONS

CHAPTER 1. AUTHORITY AND GENERAL POLICY

a. Military Departments are to be represented on the Department of Defense Corrections Council.

b. A system to evaluate correctional programs and management is required.

c. Inspections delegated by second echelon commands to subordinate commanders must be conducted by qualified corrections specialists.

d. The Chief of Naval Personnel or the Commandant of the Marine Corps may grant waivers for cause; however, permanent waivers to fire and life safety requirements are reserved to the Secretary of the Navy.

CHAPTER 2. PHYSICAL PLANTS AND MAJOR EQUIPMENT

a. Navy shore brigs are classified as Waterfront and Consolidated Brigs.

b. Detention facilities are classified as either detention spaces, holding cells, or pretrial confinement facilities.

c. Facility Functional Adequacy Classifications coincide with Navy Facilities Base Readiness Report (NAVFAC BASEREP) ratings.

d. Prisoner-rated capacity of a shore brig is reduced from 0.5 to 0.3 percent of the total military population in the area.

e. Capacity of dormitories is expanded from 35 to 40 prisoners.

f. Use of cameras is authorized for egress and ingress at sally ports.

g. Electric wall plates in prisoner areas shall be of rigid nylon vice metal.

h. Suspended or false ceilings higher than 12′ are permitted in prisoners′ areas.

i. The Correctional Management Information System (CORMIS) is established for the Navy and for the Marine Corps.

CHAPTER 3. STAFF

a. The NEC 9575 replaces the NEC 9548 for corrections specialists.

b. Provisions are made for the increased use of civilians working in brigs.

c. The positions of program developer and program monitor are provided.

d. Policy for urinalysis testing in brigs is established.

e. Sexual harassment is further defined.

CHAPTER 4. CONTROL, SECURITY, EMERGENCIES

a. The custody classification process is revised to provide more objectivity.

b. Policy for the supervision of prisoners with Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS) is established.

c. More specific guidelines for prisoner berthing assignments are provided.

d. Policy for the use of batons is established.

e. CS gas replaces the use of CN gas.

CHAPTER 5. DISCIPLINE. Facial hair is not authorized for post-trial prisoners.

CHAPTER 6. CORRECTIONAL PROGRAMMING

a. AIDS information and installation custody opportunities are added to the list of indoctrination topics.

b. The involvement of quarters supervisors in day-to-day guidance of prisoners is recommended.

c. Documentation of individual and group counseling is required.

d. Extensive guidance for awarding incentives is provided.

e. Brig officers will clear questions regarding religious practices with a staff judge advocate as well as with a chaplain.

f. A daily Training Program is required.

CHAPTER 7. CONFINEMENT, RELEASE, TRANSFER

a. Guidance for the management of pregnant prisoners is provided.

b. Procedures are expanded for processing requests by other governmental agencies to use facilities to confine civilians.

c. Guidance for pretrial confinement is expanded.

d. Prisoners may not be released to perform investigative services without the second echelon commander's approval.

e. Guidance for security of hospitalized prisoners/detainees is expanded.

f. Initial Review Officer Hearing replaces magistrate review.

g. Transient prisoners, midshipmen and officer candidates are added to categories of prisoners.

h. When a court-martial adjudges both confinement and confinement on bread and water/diminished rations, the punishment of Confinement on bread and water/diminished rations does not begin until ordered executed by the convening authority.

i. Prohibition of placing senior enlisted prisoners with lower grade prisoners is removed.

j. Command visits may now be made by service members serving in pay grade E-6 or higher from the prisoner's division.

k. When other than maximum custody pretrial detainees are hospitalized without 24-hour supervision, an Initial Review Officer (IRO) review is required upon return to the brig.

l. Guidance for transfer of naval prisoners to a military long-term confinement facility is provided.

m. Guidance for transfer of naval prisoners to the Federal Bureau of Prisons is provided.

n. Guidance on psychiatric transfers to the Federal Bureau of Prisons is revised.

CHAPTER 8. ADMINISTRATIVE MATTERS

a. Policy is provided for prisoner change of name.

b. Computer printouts of watch-tour rounds may be destroyed after 1 year.

c. Prisoner confinement records will now be retained at the brig for 2 years and forwarded to the appropriate federal records center.

d. Expanded guidance is provided for supervision of visits.

e. Fingerprinting is required.

f. Tobacco prevention program is required.

g. The use of disciplinary action data card is discontinued if CORMIS is operational.

h. Monthly reports are not required once CORMIS is operational.

i. Where available, visitors must pass through a walk-through metal detector or body scan with a hand-held metal detector.

j. A victim and witness program is required.

CHAPTER 9. SENTENCE COMPUTATION AND GOOD TIME

a. Earned Good Time replaces Extra Good Time.

b. Continued confinement in lieu of fine ordinarily is not permitted.

c. Expanded guidance is provided for processing prisoners with pretrial agreements.

d. Expiration tables are removed and are being stocked by Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC).

CHAPTER 10. MISCELLANEOUS SERVICES

a. Medical policy for HIV/AIDS cases is provided.

b. Brig will maintain health and dental records.

c. Quarters supervisor shall keep medication log.

CHAPTER 11. SHIPS' BRIGS

a. Ships required to operate brigs are designated.

b. NEC 2008 is provided for ships' brigs.

c. Policy is provided for detention of prisoners of war, civilian internees, and other detained persons.

CHAPTER 12. DETENTION FACILITIES

a. Programs and staffing for pretrial confinement facilities are specified.

b. Detention facilities will be inspected annually.

c. Restraint for up to 4 hours without medical or commanding officer's authorization is authorized.

APPENDIX A. Samples of forms and report formats are supplied.

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CHAPTER 1

AUTHORITY AND GENERAL POLICY

SECTION 1. Authority

1101. UNITED STATES CODE. The basic authority to establish and operate correctional facilities, reference (d), states:

a. "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."

b. "The Secretary concerned shall-

(1) Designate an officer for each armed force under his jurisdiction to administer military correctional facilities established under this chapter;

(2) Provide for the education, training, rehabilitation, and welfare of offenders confined in a military correctional facility of his department; and

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

c. "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."

d. "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 1325.4. DoD Directive 1325.4 of 19 May 1988 implements the provisions of reference (d) and states:

"The Secretaries of the Military Departments shall:

a. Issue regulations on the confinement of military prisoners and administration of military corrections' programs and facilities that are consistent with this Directive.

b. Designate a senior officer for each Military Service under his or her jurisdiction to administer military confinement facilities established under 10 U.S.C., Chapter 48.

c. Provide necessary military confinement facilities.

d. Ensure that their Departments are represented on the Department of Defense Corrections Council.

e. Provide programs for education, training, rehabilitation, and the welfare of military prisoners consistent with this directive.

f. Provide return-to-duty programs for selected prisoners; and

g. Provide clemency and parole programs in accordance with this directive and 10 U.S.C., Chapter 47; 10 U.S.C., Chapter 48; and the Manual for Courts-Martial, United States, (1995 edition)."

1103. UNITED STATES NAVY REGULATIONS, 1990. Article 1105 of Navy Regulations (NAVREGS) (reference (b)) sets the following parameters:

1. "Prisoners shall be confined only in brigs or other facilities designated as naval places of confinement by the Secretary of the Navy. 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, narcotic substances, or controlled substances as defined in these regulations shall not be confined in any place or manner that may be dangerous to them in their condition."

SECTION 2. GENERAL POLICY

1201. SECRETARY OF THE NAVY POLICY

1. General. Discipline is to be administered on a corrective rather than a punitive basis, and naval correctional 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 and in justice to the individuals concerned.

2. Corrections Manual. The Department of the Navy Corrections Manual is the primary policy statement of the Secretary of the Navy applicable to confinement and correction of naval offenders. It is the policy of the Secretary of the Navy that the treatment of persons in naval confinement be uniform and in full accord with the provisions of the Uniform Code of Military Justice (UCMJ) (reference (a)) and that the major purpose of all awarded confinement be the correction of the members confined. It is also the policy of the Secretary of the Navy that confined naval personnel retain all of the rights and responsibilities of other service personnel in a duty status except those which are expressly, or by implication, taken away under the provisions of the UCMJ and such regulations as may be issued by competent authority.

3. Parole of Sentenced Prisoners. The Secretary of the Navy is authorized, by Title 10, United States Code, Section 952, to provide a system of parole for certain prisoners confined in military correctional facilities. The policy and procedures for conditional release from confinement, or parole, of eligible Navy and Marine Corps prisoners are set forth in reference (e).

4. Correctional Custody. The policy and procedures for administering correctional custody within the naval service are set forth in reference (f).

5. Delegation of Authority. The Chief of Naval Personnel (Pers-84) and the Commandant of the Marine Corps (MHC) are designated to administer brigs in accordance with this manual, NAVREGS, DoD Directives, and Title 10, United States Code.

a. The Chief of Naval Personnel shall exercise primary and final responsibility for developing and issuing correctional confinement policy and procedures within the naval service in all matters which are not endemic to the United States Marine Corps.

b. The Chief of Naval Personnel is also responsible for the operation of Naval Consolidated Brigs. The Chief of Naval Personnel's correctional responsibilities are carried out by corrections specialists on the staff of the Chief of Naval Personnel (Pers-84). They are professional penologists with extensive experience in civilian and military corrections. It is their responsibility to inspect major claimants' corrections programs triennially, in order to evaluate the major claimants' performance in monitoring day-to-day operation of correctional facilities within their claimancies and to provide guidance and advice on all matters pertaining to corrections. The Chief of Naval Personnel (Pers-84) responsibilities shall include, but are not 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 major claimant inspections, conducting at least annual inspections of confinement facilities under the Chief of Naval Personnel Command, and monitoring inspection reports to ensure this instruction is implemented and actions are taken to correct deficiencies.

(4) Conducting on-site visits as directed by the Chief of Naval Personnel and providing technical assistance to all Navy commands operating naval brigs, detention facilities, and correctional custody units.

(5) Providing major claimants assistance and training in connection with operation of correctional facilities and appropriate direction as needed.

(6) Evaluating the functional adequacy of naval brigs, detention facilities, correctional custody units; reviewing planned alterations and new construction projects; and making appropriate recommendations for action by the Secretary of the Navy to designate authorized places of naval confinement.

(7) Developing and managing a system governing transfer of Navy prisoners between military confinement facilities. 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 data and an evaluation of correctional programs and management, and disseminating the information developed.

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

(10) Providing technical assistance when requested in all areas of confinement to the Commandant of the Marine Corps (Code MHC).

(11) Acting as primary agent for the Secretary of the Navy in all confinement matters relative to Department of Defense and inter-agency activities.

(12) Representing the Navy on the DoD Corrections Council.

c. The Commandant of the Marine Corps (Code MHC) shall support the Chief of Naval Personnel in developing and promulgating correctional/confinement policy and procedures and controls the operations of all Marine Corps brigs, detention facilities/spaces, and correctional custody units. 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 of Marine Corps prisoners among DoD and federal confinement facilities.

(3) Establishing, maintaining, and providing statistical data relating to corrections, confinement programs, prisoner populations, and Marine Corps deserter and absentee rates.

(4) Serving as the Marine Corps' point of contact for all correctional matters and maintaining liaison with federal and state correctional agencies as well as other military services in regard to Marine Corps prisoners.

(5) Conducting triennial on site inspections of Marine Corps brigs, detention facilities/spaces and correctional custody units. Assigns maximum rated capacities and functional adequacy classifications.

(6) Representing the Marine Corps on the DoD Corrections Council.

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

d. Navy major second echelon commands (major claimants), and the commanding generals of Marine Corps installations, through the chain of command, are directly responsible for the operations of correctional facilities within their claimancy/installation. The strong involvement of the chain of command in the day-to-day operation of correctional facilities is essential if proper standards are to be maintained and if the best use of the corrections system for the good of the entire naval service is to be achieved. This responsibility shall include the following:

(1) Maintaining cognizance of the correctional facilities under their command and ensuring their compliance with this manual and all other directives from proper authority.

(2) Maintaining cognizance over supplemental instructions concerning correctional policy and procedures as issued by the Chief of Naval Personnel or Commandant of the Marine Corps (Code MHC) and ensuring instructions are issued to the correctional facilities under their command.

(3) Ensuring regular (at least annual) on-site inspections of brigs, detention facilities/spaces and correctional custody units in accordance with inspection formats provided by the Chief of Naval Personnel (Pers-84), the Commandant of the Marine Corps (Code MHC), and the major claimants shall and providing guidance and assistance in their operations. If delegated to a subordinate commander, persons conducting the inspections must be qualified corrections specialists certified by the Chief of Naval Personnel using criteria established by the Chief of Naval Personnel. A copy of all such inspection reports will be forwarded to the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC).

(4) Ensuring, where possible, that brigs, detention facilities and correctional custody units conform to functional adequacy standards as issued by the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC).

(5) Submitting where it is not possible to meet functional adequacy standards (due to basic brig configuration/construction, or due to funding constraints), a

military construction project for a new brig or for renovation of the existing facility to remedy identified discrepancies.

(6) Ensuring staffing for correctional facilities within their claimancies is in accordance with manpower requirements of each service.

1202. CORRECTIONAL PHILOSOPHY

1. The 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 brig 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. The length of time a person spends in confinement does not automatically bring a change in the individual's life; however, the staff members' intelligent 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, 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 will be prepared to return to offense free civilian life as part of the 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 the Secretary of the Navy governing naval corrections and takes precedence in all matters thereto.

2. The Chief of Naval Personnel and the Commandant of the Marine Corps (Code MHC) shall issue instructions and procedures to ensure the uniform application of this instruction within their service.

3. Commanding officers may issue local instructions to implement these procedures. Copies of local instructions will be provided to major claimants and the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC).

4. Departmental bureaus and offices exercising primary command or support over a field activity having an approved correctional 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 the operational control of the organization tasked with command of the correctional facility.

1302. EXCEPTIONS

1. If the requirements of this manual cannot be met immediately, a waiver will be requested, via the chain of command, from the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC), as appropriate. Such waiver requests will indicate any measures considered necessary to compensate for the waived requirements. Permanent waivers will not be granted for fire or life safety issues, however an initial waiver may be granted for a maximum of 18 months under the same procedures as above. If waivers are approved for fire/life safety issues, the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) shall provide or approve any operational guidance required to reduce the possibilities of injury or loss of life. Waiver requests for fire or life safety issues will be coordinated with the installation Fire Marshall or Base Safety

Manager. Fire/Safety waivers will further be coordinated with the cognizant headquarters element for fire/safety.

2. Requests for extensions of waivers involving fire/life safety issues shall be forwarded to the Secretary of the Navy with the endorsement of each echelon, and shall provide justification for the extension, to include circumstances preventing resolution of the discrepancy during the waiver period.

3. If waivers are not approved, the spaces affected shall be closed and not operated until the discrepancies are eliminated. The major claimant will 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 fire/life safety, and needed waivers should be identified until time and funds permit upgrade of the facilities. Permanent waivers needed for physical plant features not easily renovated should also be identified at major annual inspections.

CHAPTER 2

PHYSICAL PLANTS AND MAJOR EQUIPMENT

SECTION 1. CLASSIFICATIONS - PHYSICAL PLANTS

2101. FUNCTIONAL TYPES CLASSIFICATION

1. Shore Brig. A shore brig is a place of confinement established as an activity or at a local command of the shore establishment, and approved by the Secretary of the Navy as a naval place of confinement. Shore brigs are further classified as:

a. Waterfront Brig/Level I Correctional Facility. Waterfront Brigs/Level I Correctional 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 brig that houses pretrial detainees, prisoners who will return to duty, or prisoners who are being discharged after serving short sentences, usually 30 days or less. Programs emphasize military discipline, training, work, and skills needed to succeed in the military environment.

b. Consolidated Brig/Level II Correctional Facility. Consolidated Brigs/Level II Correctional Facilities provide confinement for prisoners who will be discharged or transferred to the United States Disciplinary Barracks or to federal prisons if their offenses and sentences, after the appellate process, allow such a transfer. Consolidated Brigs/Level II Correctional Facilities may provide local pretrial confinement, if economically warranted.

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 shall be certified if it meets criteria therein, by a major claimant or by the Chief of Naval Personnel (Pers-84). Structural standards for ships' brigs are set by reference (g). A ship's brig is authorized for the 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 as part of a court-martial sentence and confinement time, shall be delivered to a shore brig 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 in full accord with the 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 either a pretrial confinement facility, a detention space, or a holding cell. The Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC) will be notified in writing via the chain of command when a detention space, or a holding cell, has been established or disestablished.

a. Pretrial Confinement Facilities. Pretrial confinement facilities may be established in areas where: a brig is not readily accessible; there is a need for pretrial and very short-term post-trial confinement; the average number of detainees/prisoners does not justify more than 20 confinement spaces; and the full range of correctional programs provided by brigs is not required. The Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) will establish programs and staffing guidance separately. This detention facility, when inspected by the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) and approved by the Secretary of the Navy as a naval place of confinement, may be used for extended detention and, as a matter of necessity in some cases, post-trial confinement up to 30 days.

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 8 hours.

c. Holding Cells. Holding cells 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 the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC).

d. 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.

e. Exceptions. Exceptions to these limitations must be approved in advance by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC) in accordance with article 1302. While the provisions of this manual are generally

applicable, specific instructions for detention facility operations will be issued by the Chief of Naval Personnel (Pers-84) and the Commandant of the Marine Corps (Code MHC). See chapter 12 of this manual.

4. Correctional Custody. Spaces used for the nonjudicial punishment of correctional custody will be governed by the provisions of reference (f). Any command desiring to establish or disestablish a correctional custody unit will comply with appropriate Navy and Marine Corps subordinate directives.

5. Confinement Facilities of Other Military Services

a. Where economy and more efficient military administration will result and where local commanders determine it to be feasible and practicable, the Secretary of Defense has authorized and directed the joint use of military correctional facilities of the military services. Local commanders are authorized to execute agreements concerning the confinement of prisoners in correctional facilities located on installations of the other services in conformance with Department of Defense (DoD) directives.

b. Departmental approval of local interservice agreements covering such usage is not required, but two copies of any proposed draft agreements shall be forwarded to the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC) for review and comment. The following provisions will govern confinement of prisoners confined under these agreements:

(1) Prisoners are subject to the 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 will 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 such interservice confinement;

(4) Should any prisoner be unsuitable for confinement in the facility designated, the commanding officer of the confinement facility will notify the appropriate commander of the prisoner's branch of service who will, as soon as practicable, resume custody of the prisoner;

(5) A naval service prisoner is credited with good conduct time in accordance with this manual. Good conduct time and other abatement time authorized may be forfeited wholly or in part by later misconduct. Such forfeiture will be determined by the commander of the institution. Forfeiture may not exceed the number of days of good conduct time actually earned by the prisoner;

(6) Where appropriate, interservice support agreements between the commanding officer of a naval installation and representatives of other services concerning the confinement of prisoners will provide for personnel support from the other service to the installation operating the facility. OPNAVINST 4000.84A provides Navy policy and procedures for interservice, interdepartmental, and inter-agency support agreements.

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 in accordance with article 7104.5 of this manual. All expenses will be paid by the command of the member confined and will be paid at the rate approved by the U.S. Marshal's Service. For Marine Corps prisoners, all expenses will be forwarded to the Commandant of the Marine Corps (Code MHC) for payment. Reference (i) refers.

7. Foreign Confinement Facilities

a. Where no United States military confinement or detention space is available, foreign confinement facilities may be used for the pretrial confinement of naval personnel who are charged with serious offenses against reference (a). Such confinement must preclude immediate association of U.S. service members 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 the adequacy of its security features, its ability to ensure the safety of prisoners, and the adequacy of its living conditions.

c. Each such case of pretrial confinement will be reported by message to the Chief of Naval Personnel or the Commandant of the Marine Corps (Code MHC) 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 the individual's name, Social Security Number, and any other pertinent information.

e. All expenses will 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 the appropriate U.S. military confinement facility as expeditiously as possible.

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 the Chief of Naval Personnel or Commandant of the Marine Corps (Code MHC). Padded cells, dark cells, and cells having doors which do not permit visual observation are prohibited.

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

3. Disciplinary Segregation Unit. The 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 the provisions of article 5103.3e. 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 the other prisoners. Special quarters is a preventive management

tool which shall not be used as punishment. Programs, movements, and privileges shall be limited only to the minimum degree necessary for the 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, Correctional Custody facilities may be used to berth personnel awarded installation custody status.

2103. FUNCTIONAL ADEQUACY CLASSIFICATION - NEW AND EXISTING FACILITIES

1. Reference (d) provides authority for the Secretary of the Navy 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 the correction of serious inadequacies, classifications will be assigned to each operating facility. The dates for correction of discrepancies shall be established by inspectors in conformance with service guidelines.

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

a. Conditions affecting the 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. The classification assigned to each facility is approximately equivalent to the general construction standards of NAVFAC BASEREP ratings, but takes into account other prisoner specific security requirements in determining the following classification:

a. C1/ALPHA - The facility has fully met all demands placed upon it in a mission category through the reporting period.

Operation of the brig is not hindered by any inadequacies which may exist;

b. C2/BRAVO - The facility has substantially met all demands of the mission category through the reporting period with only minor difficulty. Inadequacies exist but do not seriously hinder operations. These inadequacies should be corrected when practicable;

c. C3/CHARLIE - The facility has only marginally met the mission demands of the category throughout the reporting period, but with major difficulty. 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 - The 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. The major claimant must pay particular attention to the continued existence of facilities classified in this category.

4. Functional adequacy classifications for brigs shall be issued at least triennially by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC) following on-site inspections by corrections specialists.

5. Future construction and renovation to brigs and other facilities designated as naval places of confinement shall meet the physical construction requirements of this manual, references (j) and (k), and all other pertinent regulations for such facilities. Future construction and renovation of ships' brigs shall meet the standards prescribed by reference (g). Any request for an exception to these regulations shall be addressed to the Chief of Naval Personnel or Commandant of the Marine Corps (Code MHC), as appropriate.

2104. RATED CAPACITY CLASSIFICATION

1. The capacity of a brig shall be determined by on-site application of berthing spaces criteria imposed by local considerations, special needs, and references (j), (k), and (l). Rated capacities for Navy brigs shall be determined and issued by the Chief of Naval Personnel following on-site inspections by corrections specialists (Pers-84), and for Marine Corps brigs by the Commandant of the Marine Corps (Code MHC) following on-site

inspections by a Marine Corps corrections officer. These shall be reviewed and, if needed, adjusted at least every 3 years by on-site reviews conducted by corrections specialists from the Chief of Naval Personnel or Commandant of the Marine Corps (Code MHC), as appropriate. Rated capacities may be temporarily adjusted to meet current needs by the Chief of Naval Personnel or Commandant of the Marine Corps (Code MHC).

2. Brigs are not designed, equipped, or staffed to handle significant overloads without creating problems that have potentially serious consequences. The Type Commander, Major Claimant, and the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC) shall be notified whenever the brig's rated capacity is expected to be exceeded by more than 10 percent. Notification shall be made by the most expeditious means and should request permission to transfer a sufficient number of post-trial prisoners to reduce the loading to within the rated capacity. Due to the increased use of correctional facilities by all DoD services, the brig shall not exceed its rated capacity by more than 10 percent without prior notice to the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC). Telephone requests will be followed by official messages and such requests will 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 the Secretary of the Navy. 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 will be based on demonstrated need and ability to meet the 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 closure of an ashore facility shall be submitted via the chain of command to the Chief of Naval Personnel or the Commandant of the Marine Corps (Code MHC), as appropriate. A request for closure of a ship's brig shall be submitted via the chain of command to the Chief of Naval Operations. All requests shall include full justification for

closure, the tentative date for ceasing operation, and contain endorsements from all echelons of the chain of command. If closing the brig is approved, the commanding officer operating the facility shall transmit the actual closing date by message to the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC) as appropriate.

3. Construction and Alteration Approval

a. The guidance for development of facility requirements and the submission procedures for construction projects are contained in NAVFACINST 11010.44E. Advance approval of proposed construction and/or alteration projects shall be obtained from the Chief of Naval Personnel or the Commandant of the Marine Corps.

b. New construction or overhaul/alteration of ships' brig spaces shall be in accord with General Specifications for Ships of the United States Navy. Alterations to a ship's brig require the approval of the type commander.

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 the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC), as applicable. A brig is an integral part of the command which operates it. The determination as to whether a given command needs, or does not need, a brig must rest with that command and the major claimant. Plans to establish, construct, or alter existing brigs must be initiated at local command level through the normal military construction chain of command and sent via the Chief of Naval Personnel or the Commandant of the Marine Corps (Code MHC), for review and approval. Each command which carries a brig structure and grounds in its plant account shall initiate appropriate action to correct inadequacies.

2. General Planning Information. COMNAVFACENGCOM publication NAVFAC P-80, Facilities Planning Factors Criteria for Navy and Marine Corps Shore Installations (NOTAL), provides general planning information for confinement facilities. The procedures contained in NAVFACINST 11010.44E (NOTAL) should be followed.

3. Specific Planning Information. When developing plans for new construction or major renovation utilize references (j) and (k)

for shore facilities and reference (g) for ships' brigs. The following factors will be included in the planning process.

a. Capacity. The required prisoner capacity of a shore brig is calculated at 0.3 percent of the total military population in the area to be served. This figure may be adjusted by the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) to compensate for local variations.

b. Site and Size

(1) A shore brig shall be sited where it will 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) The size of the site and its location in relation to other activity facilities shall be agreed upon by the using activity, COMNAVFACENGCOM, and the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC). The site will be determined to be habitable and in conformity with sanitation requirements by COMNAVFACENGCOM.

c. Design

(1) The degree of brig security required will reflect the type of prisoner the command routinely confines. Not every brig needs to be constructed as a maximum security institution, although every brig does need maximum security spaces. Current advancements in prison design and equipment will be considered in order to reduce construction costs.

(2) Shore brigs should be designed so that 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 brig shall meet the following additional requirements:

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

(2) The unaltered portions of the facility would not be adversely affected in the 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 will be considered when evaluating facility requirements.

2203. TECHNICAL ASSISTANCE. Due to the infrequency of the local opportunities to design a brig, and in order to make use of current advancements in prison construction, corrections specialists from the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) will be involved at all stages of the planning, design, and construction process. In addition to reducing the amount of research necessary, using these specialists will 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 will not be counted against the total capacity and will not normally exceed 5 percent of the brig'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 the approval of the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC).

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

b. Construction Requirements

(1) Walls, ceilings, 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 viewports and security locks.

(3) Follow the construction criteria for cells set forth in reference (k).

c. Equipment Requirements

(1) Furniture. All cells/secure rooms in shore brigs will normally be equipped with a chair, locker, a 30" X 78" (minimum dimensions) security type bunk (permanently mounted in segregated cells), mattress, pillow, sheets, blankets, and pillow case for each prisoner. One cell may be left unfurnished for use as directed by a medical officer. Furniture may be removed from cells only if the prisoner's conduct warrants it and then only upon specific order of the brig officer 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 will 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 backup) 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 fifteen cells. All electronic locks will have remote release capability.

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

(d) Plumbing. Insofar as possible, each cell/secure room will 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 in the proportionate numbers prescribed in reference (k) shall be adjacent to the berthing area. Shower heads should be the 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 30 inches above the finished floor. These

spaces should be painted light colors. Windows should 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 will be maintained in accordance with reference (k). Ventilation shall not fall below 10 cubic feet per minute per prisoner.

(3) Excessive noise will be avoided.

2. Dormitories

a. Space Requirements. Each dormitory will normally not exceed a rated capacity of 40 prisoners and will provide 72 square feet per prisoner, exclusive of head facilities. In small brigs or brigs where a separate control point exists for housing units, dormitories will 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 will 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 should normally be secured to the floor. A mattress, pillow, sheets, blankets, and a pillow case will be provided for each prisoner. Bunks will not be double decked if they interfere with visual supervision.

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

d. Habitability Requirements

(1) Lights. Dormitories will be provided with sufficient lighting fixtures to provide illumination in accordance with

current standards but not less than 20 candle-foot power 30 inches from the finished floor. Fire and security night lights should not be any brighter than the minimum needed for visual control and supervision. Windows should be arranged to provide maximum natural light.

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

(3) Noise. Excessive noise will be avoided.

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

2205. SECURITY AREAS

1. Control Center

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

b. Construction. The control center shall be constructed so that the assigned staff member may operate controls and communication devices and do necessary administrative work at a location which provides a clear view of the main corridor, the entrance to the brig, and, when possible, the entrance to the prisoner berthing area(s). It will have only one entrance which is located outside of the security area it controls. The control center will not be combined with any other office or administrative space. Construction will be sufficiently secure to prevent the entrance of any personnel to whom the control center supervisor 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. The control center shall be equipped to control the movement of all traffic through the inner security perimeter. It will contain the controls and monitoring units for all communication and alarm devices within the facility.

(2) Storage. It will be equipped to store keys, security equipment, life support systems, prisoner movement and accountability records, and dangerous tools when deemed appropriate.

(3) Plumbing. It will be equipped with a water closet, lavatory, and drinking water for use by the assigned staff member without his or her being required to leave the control room.

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

3. Fences

a. Perimeter. Where the perimeter fence constitutes the security perimeter of the brig, it will be at least 12 feet high and will be designed to prevent prisoners from escaping over or under it. The use of concertina/razor wire and double perimeter fencing is authorized only with prior approval of the Chief of Naval Personnel (PERS-84) or the Commandant of the Marine Corps (Code MHC). If approved for double fencing, the outer fence shall be spaced to prevent the 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, if approved by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC), in locations where the fence connects with another fence or building.

4. Gates. The openings through the perimeter fence will be constructed of the same material as the fence and will not exceed 14 feet in width per single gate. Single and double gates (both permitted for vehicle entrances) will be secured with an electric or manual prison lock. Such gates should be the sliding type on a positive top and bottom track and controlled by the gate sentry or the control center supervisor. Perimeter gates, when part of the brig security perimeter, will normally 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 and life safety requirements. Division fences will have sufficient gates to handle normal traffic and will be equipped with a positive position latch which

is 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 will provide continuous security for the compound perimeter and will 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 will provide perimeter security for short periods of time in a particular area and will be equipped with heating and adequate ventilation. Permanently installed plumbing or communication devices are not required.

c. Construction. All towers will be constructed with the floor not less than 16 feet above ground. They will be installed at strategic locations at least 5 feet outside the perimeter fence. Each permanent and temporary tower will be equipped with an adjustable searchlight operable from inside the tower. All windows will be operable with one hand. Access to towers will 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 should be restricted to use by brig duty 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 will be located at the side of a sally port with access only from within the sally port. Windows will be the same as prescribed for prisoner quarters. Gate houses will be furnished with both internal telephone and intercommunication connected with the control room.

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 the security and control factors peculiar to confinement. Internal communications, duress alarms, and a "hot line" to fire and

security departments constitute minimum requirements for communication systems. Other options may be added, if needed.

a. Internal Communications and Alarms

(1) An internal telephone will be installed at each duty staff station and housing unit to permit staff members to communicate with each other on post and to conduct normal business. A duress alarm is required for isolated posts of the brig. Facilities with a rated capacity of 50 or more prisoners will be equipped with a duress alarm system which pinpoints troubled areas until switched off in the control room.

(2) A two-way intercom unit vice an internal telephone system may be installed at each duty station, and at other strategic locations throughout the facility.

b. External Communications and Alarm. A sufficient number of outside telephone trunk lines will be installed in brigs 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 prisoners access except as provided for in article 8301.17. Alarms shall be installed as required for life safety, such as fire or other emergencies. There shall be a direct means of communication, phone, radio, intercom, or alarm between the brig's control center and the installation's security, provost marshall, 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 brig 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 the 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 will 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 backup 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. The kind and number of fire extinguishers and overhead sprinkler systems shall be prescribed by the Fire Marshal. The Fire Marshal 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 will permit, but these must be checked frequently to ensure they are operable and readily accessible. Soda/acid extinguishers should not be used unless required by the Fire Marshal. If at all possible, fire extinguishers should 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 brig 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, will 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 will 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 that material such as ladders, hoses, axes, bolt cutters, etc., are not stolen or misused.

2206. Program Areas. Whenever feasible, multipurpose rooms should be constructed to supply program spaces, e.g., classrooms, visiting, or messing. In addition, multipurpose rooms should be built adjacent to each berthing area to support such program spaces as motivational training, letter writing, and indoor recreation. (Refer to reference (k) for various program areas).

1. Classrooms. Classroom(s) will be located within the compound, preferably within the same building as prisoner living quarters (grouped together where more than one classroom is justified). Windows will be security type. Doors will 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 will meet the criteria specified in Maintenance Facilities, NAVFAC DM-28. In addition, the following security items are set forth:

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

b. Walls, ceiling, and floors will be constructed of non-combustible materials. Windows will be security type. Entrances and fire doors will be security type with view ports and a manual deadlock or electro-mechanical lock and hinged to swing outward. Doors for interior walls will contain a view port and be equipped with an institutional lock;

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

3. Chapel. Space will be provided for religious activities. This space may be designed for multiple use and used for other brig functions.

4. Visiting

a. Space. There shall be an area for personal visits and another for official visits and legal visits. The size and number of these rooms should allow adequate space to accommodate the projected needs of the brig. Private interview rooms for official and legal visitors should be contiguous to the general visiting area, and constructed in such a way as to reassure such visitors that they have acoustical privacy in conducting their business. A view port will be provided.

b. Furniture.

(1) Visiting room furniture should be informal and casual to create a relaxed atmosphere. The use of outside areas with wooden lawn 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 should have access to a pay phone and vending machines for use in conjunction with visits. There will be a communication device to the control room. The windows will be security type. Entrances

will 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 room.

(2) Official visitors shall be afforded privacy. Whenever feasible, private facilities and access to a telephone will be made available for reviewing officer hearings, defense counsel, and command visits. These facilities will be furnished with only two seats, a writing desk or table, and a light fixture. Windows will be security type. These rooms should be equipped with a security door complete with view port. Two way intercoms or other listening equipment shall not be installed in this area.

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 should be equipped with tables, chairs, and appropriate recreation equipment.

b. Outdoor. All facilities shall provide or have access to outdoor recreational spaces for physical training, military drill, or recreational sports. A recreation field should utilize as much of the outdoor area as possible within the perimeter fence. There will be no trees, bushes, or structures in this area. This area will include the necessary recreation equipment. If space or program needs justify a drill field separate from the recreation field, there will be no trees, bushes, or structures in this area of the compound.

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, provided with a heat sensitive automatic sprinkler system and adequate ventilation to prevent mildew in wet climates.

2. Volatile Liquid Storage. Space will be provided for the storage of all volatile liquids in an area approved in accordance with local safety regulations. Bulk storage (in excess of five gallons) shall not be permitted in any building used for berthing prisoners. See article 4306.5 and 6.

3. Vehicle Storage. Storage buildings for powered, self-propelled vehicles should be outside the perimeter fence. The

garages should be located near the rear sally port and accessible to the service road.

4. Armory/Firearms Vault. In smaller brigs the base or station armory or security office will serve as a storage place for weapons. No weapons will be stored within the security perimeter of the brig. If necessary (because suitable storage is not provided by the station), a secure vault or lockable steel lockers for firearm storage shall be installed outside the security perimeter of the brig.

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

1. Administrative Offices

a. Offices outside the inner security perimeter will include one each for the commanding officer/officer in charge (CO/OIC), brig officer, 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 inner security perimeter will include one each for the operations officer, programs officer, the counselor(s), the training, and work supervisors, and if these billets are assigned, the chaplain, medical officer, and psychologist/psychiatrist. These offices will have windows designed for maximum security prisoner quarters, security doors with view port, and a cylinder type institutional lock.

2. Mess. Facilities with a capacity of 60 or fewer prisoners should utilize the most economical method of feeding prisoners, taking into consideration the local messing resources available.

a. Dining Room. If messing facilities are supplied by the brig, general dining room requirements as specified by NAVFAC DM-36 Troop Housing (NOTAL) will be met. In addition, the 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 the galley area.

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

(3) Windows will be security type.

b. Galley and Scullery. If a galley and a scullery are required within the brig, they shall be constructed and equipped in accordance with criteria specified by NAVFAC DM-36, Troop Housing (NOTAL). In addition, the following security measures are required.

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

(2) An integral, secure, lockable shadow board storage for knives, cleavers, and blades shall be permanently installed in the office area.

(3) The service door used for delivery of supplies and removal of garbage will have a sally port arrangement.

3. Medical/Dental. Medical/dental space shall be provided in every brig. The size of this space will be in proportion to the rated capacity of the brig and the availability of medical facilities to be provided in the brig. At a minimum, the medical room will be furnished with an examination table, instrument cabinet, writing desk, and adequate examination lighting. A small safe will be installed in the dispensary/medical treatment room for storage of narcotics and other prescription-type medicines. In addition to its own locking device, the safe will be installed in a lockable closet or cabinet which is permanently attached to the floor or wall. Dental space needs will be determined in accordance with service and local command policies.

4. Receiving and Release Unit. Space for a receiving and release unit will be located within the compound, in the rear of the brig, near the control center and the reception, prisoner berthing area. This unit will have sufficient storage space to store a supply of "health and comfort items," issue clothing and authorized gear. The unit will have one administrative office and a search room. In larger units there will also be a holding cell with combination lavatory and water closet unit; and a receiving and release room with shower and lavatory facilities.

5. Elevators. There will be no elevators in a brig unless the brig is more than two stories high and unless there is a routine need to transport objects to a higher floor. Where elevators or other lift devices are used, they will be operated only by key and have a safety vestibule (sally port) type entrance at all openings where prisoners are permitted.

6. Laundry

a. Prisoner Laundry. Space will normally be provided within the security perimeter for prisoner laundry. The size of the laundry, equipment, and storage areas will be proportionate to the volume of work performed. Windows will be security type. Doors will be security type with view port and equipped with institutional locks and hinged to swing outward. Lockable storage space will 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, the laundry space will be designed according to 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 brig in order to ensure security and elimination of dark spaces. Permanent posts shall be provided with additional illumination when necessary for the accomplishment of assigned functions, e.g., searches, administrative tasks.

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

c. Compound Lighting. The perimeter fence will be lighted with outdoor fixtures mounted on poles installed outside the 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 will be installed to light each corner of the compound and the remainder of the perimeter. All wiring to these lights will be either buried underground, built into building structures, or protected by metal conduit. Compound lights will 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 brig will have the service of an emergency diesel/gas generator, with automatic transfer switch, capable of maintaining minimal lighting in prisoner living quarters and of operating the perimeter lighting, electrical locks, security devices, and alarms.

(2) Constant Charge Battery. In addition to the emergency generator prescribed above, each brig should have constant-charge, battery operated emergency lights placed in prisoner living quarters and 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 should be installed outside the dormitory area.

b. Electric lines will be in metal conduits with fixtures individually and collectively switched. These switches will be located behind locked panels controlled by staff.

c. Electrical power substations should 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 brig shall be maintained in accordance with the prescribed requirements of the Surgeon General and reference (k). Temperatures should 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 rooms will be well ventilated and should be air-conditioned.

b. Fixtures. Heat and ventilation fixtures in prisoner berthing areas will be security type and fastened with security screws.

c. Heat and Ventilation Systems

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

(2) All ductwork, pipes, and conduits within the security perimeter will be buried underground, contained in locked tunnels and spaces, or concealed within the structural walls, ceilings, or floors. These conduits and tunnels will have 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 will be security type.

b. Buildings housing prisoners will be constructed with windows and above ground. Windows in cell blocks and dormitories will be arranged to provide maximum natural light and natural ventilation commensurate with safety and security requirements.

5. Plumbing

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

b. Fixtures

(1) Each cell, with the exception of "bare" cells, will be equipped with a combination drinking fountain, lavatory, and water closet unit.

(2) Showers in the segregation area will be security types.

(3) Faucets, valves, mixing valves, shower heads, etc. will be heavy duty type designed for institutional use. Water closets will be floor mounted only. Lavatories will be flush

mounted in counters or the metal jail security type. Shower heads will be nonadjustable, flush mounted security type.

(4) The operating valves for water closets, lavatories, urinals, and showers will be of the push button type or non-removable. All floor drains will be secured with spanner or security screws.

(5) Central toilet facilities will provide 1 electric water cooler; 1 lavatory for each 6 prisoners; 1 water closet for each 7 prisoners; 1 shower for each 10 prisoners; and 1 urinal for each 10 prisoners.

c. Water and Sewage System

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

(2) No water, steam, or drain mains will be exposed in quarters or working buildings within the security perimeter to which prisoners have regular access.

6. Utilities Control. All major utilities will 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 brig shall have a blue print 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 will be in proportion to the amount of traffic anticipated.

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

c. All interior doors leading from passageways will 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 will be installed to form a safety vestibule (sally port) entrance.

8. Stairwells

a. Interior stairwells will not contain windows, doors, or compartments other than doors to the floors which they service. These doors will be of the security type equipped with view ports.

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

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

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

9. Signs

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

b. All signs will either be painted on roadways and curbs or attached flush with buildings or fences. Those mounted on fences will not interfere with the vision of a sentry in the surveillance of his or her post.

c. All labeling required within prisoner berthing areas shall be stenciled. Label plates will 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. The locks shall be provided for the prisoners by the brig. Master keys are to be kept in a safe place and available only to the brig officers for use by them personally or by their direction. Any lock which has been altered so that it may no longer be opened by the master key shall be removed from the locker and replaced with a properly functioning lock. The cost of repairing or replacing the

original lock shall be charged against the pay account of the prisoner responsible for such alteration.

c. Except in cells used for disciplinary segregation, prisoners' lockers should 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 within 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 should 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 brig perimeter fence should normally be several times the size of the building.

b. Ceilings. Areas where prisoners have routine access will 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. The public works/maintenance officer should furnish the brig officer the materials required to accomplish simple maintenance functions with self-help. When

persons from outside the brig 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. Brig staff shall not attempt to repair this kind of equipment except to install temporary barriers to reduce the chance of escape or to 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 will be exercised until necessary repairs are effected.

2302. INSPECTIONS

1. Frequent, visual, and functional inspections by all brig staff as they go about daily duties, will be made of all locks, bars, windows, doors, and other security equipment to ensure that they have not been tampered with and are operating satisfactorily. The inspection will also check for faulty electrical equipment, exposed wires, and other safety hazards. All personnel must be trained to observe and to report any unusual conditions, defective security equipment, or violation of security procedures. Times and results of all inspections will be recorded in the brig log. Included shall be the name of the inspector and immediate action taken. Written reports of discrepancies will be provided to the brig officer.

2. A formal weekly inspection or test, as appropriate, will be made of all security, emergency, and fire fighting equipment to ensure proper operation. A record of this inspection will be retained in the brig records and immediate steps taken to correct any deficiencies.

3. All confinement spaces shall be regularly inspected by the command fire marshal and shall comply with such standards as are issued.

2303. SAFETY PROGRAM

1. General. The commanding officer will ensure that a safety program is effectively carried out for the staff and prisoners. Accident prevention and the elimination of safety hazards require continuous efforts by each staff member and cannot be successful

without his or her 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, goggles) is mandatory.

2. Standards. Brigs will comply with naval occupational safety and health standards, and fire and life safety requirements and with those requirements prescribed by Chief of Naval Operations, Commandant of the Marine Corps, and other competent 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 brig 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 will be retained in the brig records.

2305. MANAGEMENT INFORMATION SYSTEM. The Corrections Management Information System (CORMIS) will be utilized by Navy/Marine Corps brigs, correctional custody units, and pretrial confinement facilities. CORMIS is designed to increase security capabilities, support operational and administrative functions, and provide current information on prisoners/detainees to the brig's staff and other users throughout DoD Corrections. CORMIS is coordinated by the Chief of Naval Personnel (Pers-84) for the Navy and the Commandant of the Marine Corps (Code MHC) for the Marine Corps. Forms generated in CORMIS may be used in place of identical naval pre-printed forms.

CHAPTER 3

STAFF

SECTION 1. STAFF CRITERIA

3101. POLICY. The specialized nature of duty in a brig requires that personnel assigned be selected in accordance with standard criteria and specifically trained in the control, management, and correction of prisoners. Personnel assigned to brigs shall be assigned a specific Navy Enlisted Classification (NEC) or Military Occupational Specialty (MOS), in accordance with procedures of their service. Civilians may be hired to augment the military staff.

3102. SELECTION CRITERIA

1. General. Personnel selected for duty in naval brigs must, unless specifically excepted by the Chief of Naval Personnel or Commandant of the Marine Corps (Code MHC), meet the following general criteria:

a. Navy personnel shall have completed at least 24 months active duty following completion of recruit training. Marine Corps personnel shall be at least 19 years of age.

b. Navy personnel shall be in pay grade E-4 or above.

c. Personnel shall be mature and emotionally stable. Members who have a history of neuropsychiatric disorder or excessive use or dependence upon alcohol shall not be assigned to brig duty. There must be no documented in-service drug use. Members should demonstrate leadership qualities and aptitude for working with people.

d. Navy personnel shall have no record of conviction by court-martial or nonjudicial punishment during the past 36 months, and shall maintain a clear record during tour of brig duty. Persons under investigation or being considered for administrative separation shall not be assigned to brig duty. Marine Corps personnel shall have no record of conviction by courts-martial or nonjudicial punishment involving drugs or moral turpitude during current enlistment.

e. Personnel shall have no record of a civil court conviction, except for misdemeanor traffic violations, since joining the military.

f. Personnel should not be assigned to brig 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. For Navy personnel body fat must be within standards as defined by OPNAVINST 6110.1D.

g. Navy personnel shall have a Navy General Classification Test (GCT) score of least 45, or Word Knowledge (WK) score of at least 45. Marine Corps personnel shall have a GT score of 100 or above.

h. Navy personnel shall possess a high school diploma or a high school equivalency certificate. Marine Corps personnel shall have successfully completed formal school training in the Corrections MOS.

i. For Navy members E-7 through E-9: No mark below 3.0 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.

j. For Navy members E-4 through E-6: No mark below 3.0 on NAVPERS 1616/26 or 3.6 on NAVPERS 1616/24 for the past 36 months. Recommendation for waiver of eligibility criteria will be considered on a case by case basis when the overall evaluation trend is improving and the filling of a high-priority brig billet dictates.

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

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

b. Personnel shall possess a high school diploma preferably, or equivalent. Exceptions must be approved by the Chief of Naval Personnel (Pers-84). Navy personnel selected should 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.

3. Supervisory Positions. Personnel assigned to key positions, i.e., commanding officer, brig officer, assistant brig officer, training supervisor, work supervisor, or brig duty officer/duty brig supervisor, 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 the local pre-service orientation program before being assigned operational responsibility if it is their initial assignment to a brig. Personnel reassigned to another brig without a break in experience must participate in an abbreviated program designed to orient them to that particular facility. Brig officers will not assume their position in Navy brigs until completion of training required by the Chief of Naval Personnel (Pers-84).

4. Opposite Sex. When specifically approved by the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC), service members may be assigned to brigs authorized for prisoners of the opposite sex. However, they shall not be assigned duties which require the supervision of prisoners of the opposite sex at times when nudity routinely occurs.

5. Personnel from Other Military Services. In locations where naval brigs regularly confine members of the Air Force, Army, and Coast Guard, local interservice support agreements may be established and may include a requirement for the using 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 for the capacity of the facility, in accordance with pertinent DoD guidelines. Such billets will be filled with personnel from the other military services who meet the criteria specified in article 3102. Such personnel shall complete all training required in this manual.

6. Civilians. Civilians may be employed in selected support positions in brigs only when specifically approved by the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC).

3103. ASSIGNMENT CRITERIA

1. Personnel shall be assigned to brigs for normal tours of duty. Transient personnel shall not be assigned to duty at a brig.

2. Personnel ordered to duty in a brig shall receive specialized training and shall not be utilized by the parent command for other command functions. Brig personnel shall not be assigned to

watch bills (except at the brig) or to collateral assignments that involve law enforcement functions. Command personnel who possess the NEC 9575 may be assigned collateral duties at the brig in cases of necessity and with the approval of the commanding officer of the brig.

3. Insofar as possible, Marine Corps personnel with 5831 or 5804 MOS shall be assigned to billets at the brig 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 the Commandant of the Marine Corps (Code MHC).

4. Navy staff shall possess NEC 9516 or 9575 prior to assignment to duties at an ashore brig. Substitution of staff without NEC 9516 or 9575 is not authorized unless specifically approved in each case by the Chief of Naval Personnel (Pers-84). Personnel will be closely screened in accordance with the criteria of article 3102 for suitability for correctional duty.

5. Navy personnel detailed to afloat brigs will meet the selection criteria as specified in article 3102, and will possess the required NEC and training. Additional personnel from the ship's company assigned to the brig must complete the 2-week Afloat Brig Staff Orientation Course and will receive pre-service training, as required in article 3502, from permanently assigned staff and from ashore brigs. Marines will not be assigned to supervisory positions in afloat brigs. Marines may be assigned as quarters supervisors only when Marines are confined and then only in proportion to the number of Marines confined.

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 will complete pre-service, in-service, escort training and for Navy brigs the Corrections Specialist Course (NEC 9575 for military). This includes any person in a 20-year law enforcement retirement system.

b. Full or partial waivers may be granted based on the type/length of corrections or related experience. Waiver requests for highly experienced personnel should be forwarded to Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) via the chain of command.

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

3104. PERFORMANCE CRITERIA

1. General. Confinement work is unique. The 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 ashore brig duties will complete formal training en route and be assigned NEC 9575. Correctional counselors will, in addition, complete the appropriate counselor's course and be assigned NEC 9516. Personnel nominated to be correctional counselors at shore brigs will be selected from the brig staff after having served a minimum of 6 months at the brig.

b. Marine Corps Personnel. Personnel who successfully complete the basic corrections course directed by the Commandant of the Marine Corps and those who meet the experience requirements contained in the Marine Corps Personnel Manual shall be awarded the 5831 MOS. Personnel in pay grade E-5 or above who have successfully completed a course of study in counseling may be assigned the secondary 5832 MOS. Personnel with dual qualifications may be assigned duties in either function, depending upon billet vacancies at their grade level.

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 brigs are manned and operated by a single service, service procedures for assessing job performance shall be used.

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

a. The individual's performance of confinement duties shall be the primary determinant of the individual's proficiency. The initial evaluation of the member's ability to carry out these functions shall be made by the brig officer.

b. Input from the 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 the relative importance of various inputs on the evaluations of personnel assigned to brigs.

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 brig duty. Recommendations for disqualification shall be submitted with appropriate justification to the Chief of Naval Personnel or the Commandant of the Marine Corps (Code MMEA) for approval. Upon approval the member will be reassigned to another activity.

2. Such reassignments should 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. The following functions are at the command level:

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

(1) Navy. If a brig is established as an activity the term "commanding officer" refers to the commanding officer of that activity. If the brig is not established as an activity, the term "commanding officer" refers to the commanding officer of the shore installation where the brig is located, or the commanding officer of the ship wherein the brig is located.

(2) Marine Corps. For Marine Corps brigs, the term "commanding officer" refers to the officer who is appointed in writing, by the commanding general of the installation where the brig is located, as commanding officer of the brig.

b. Chaplain. A chaplain, when not assigned full time to the brig staff, shall be assigned in writing by the commanding officer of the activity for the Navy and the Commanding General for the Marine Corps to administer the religious program.

c. Medical/Dental. Medical/dental officers, when not assigned full time to the brig staff, will be assigned in writing by the commanding officer of the medical/dental activity providing service to the brig to care for the health and medical/dental needs of the prisoners and the sanitary conditions of the facility.

d. 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, and monitoring confinement staff activities in all areas of operations and programming. Such use is encouraged.

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

a. Brig Officer. The "brig officer" as used in this manual refers to the officer who is assigned the responsibility for the day-to-day operation of the brig.

(1) Navy. The term "brig officer" for the Navy refers to COs, officers in charge (OICs), chief petty officers in charge (CPOICs), and other officers as are assigned to a brig officer billet. CO/OICs are ordered into the brig officer billet as CO/OIC by the Chief of Naval Personnel. CPOICs shall be appointed in writing to a brig officer billet by the CO of the activity where the brig is located. Afloat brig officers shall be appointed in writing by the CO of the ship where the brig is located. Brig officers of brigs that are part of the activity where the brig is located do not have independent special court-martial authority but, if needed, must request it through the chain of command from the Secretary of the Navy. A brig officer who is the CO of a brig that has been established as a separate activity has the full authority of a CO as set forth in U.S. Navy Regulations.

(2) Marine Corps. The brig officer shall be appointed in writing by the CO of the brig and shall be directly responsible to him or her for all matters concerned with the operation of the brig. The appointing letter shall delineate the extent of delegation of administrative disciplinary authority, not to exceed that indicated in article 5103 of this manual.

b. Assistant Brig Officer (Navy). A person with correctional security and programs experience will be assigned as assistant brig officer. This position will normally be filled by a civilian and, as such, will have no UCMJ disciplinary authority over the staff or prisoners.

c. Brig Supervisor (Marines). The brig supervisor is normally the senior enlisted corrections member assigned to the brig and is responsible to the brig officer for the daily operation of the brig. This person makes recommendations to the brig officer regarding training, assignment, and performance evaluation of all enlisted members of the brig staff. He or she makes on-site inspections of all areas of the brig with particular emphasis on all large group activities.

d. Collection Agent/Funds and Valuables Custodian. The commanding officer/officer-in-charge shall appoint persons to collect and safeguard prisoners' personal funds and valuables:

(1) A collection agent shall be designated in writing in accordance with article 041511 of reference (m). This person shall be provided with adequate safekeeping facilities.

(2) Authorized custodian(s) may be designated in writing in accordance with article 041512 of reference (m) to receive prisoners' funds and valuables outside normal administrative working hours. They shall be provided with adequate safekeeping facilities for temporary storage of receipts. All such funds and valuables received shall be surrendered, in return for a receipt, to the collection agent at the beginning of the next working day.

e. Mail Supervisor. The brig officer 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. The following billet titles will be used in preparing Manpower Authorizations and Tables of Organizations established for USMC brigs and Navy waterfront brigs/correctional custody units (CCUs). Some titles vary at consolidated brigs due to unique specialization of some billets. Those billet titles are separately approved by the Chief of Naval Personnel.

1. Brig Officer. The brig officer is responsible for the humane care, custody, discipline, safety, welfare, and correctional treatment of personnel in brigs. This person shall operate the brig in full accordance with the requirements of this manual and other applicable instructions. This person shall

encourage command-level participation and provide liaison to staff specialists who support and provide guidance for the corrections program. This person is also responsible for training and supervision of all staff members assigned to the brig.

2. Assistant Brig Officer (Navy). The assistant brig officer performs such duties as assigned by the brig officer and acts for this person in his or her absence. Assistant brig officers 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. The programs officer is responsible for areas concerning rehabilitation, retraining and restoration. In facilities not having a programs officer, the assistant brig officer is responsible for these functions.

b. Correctional Counselor. The 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 will be referred, through the chain of command, to a professional with the required competency.

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

d. Work Supervisor. The work supervisor is responsible for the planning and coordinating of work projects and work parties employing prisoners. This person's major functions include maintaining liaison with area coordinators, base commanders, and immediate superiors in command in the identification and assignment of productive work projects suitable for prisoners; ensuring that work parties are supervised by trained and qualified escorts; monitoring work parties on or away from the brig; and providing maintenance and general sanitation of the brig facilities and grounds. He or she shall coordinate the employment of installation custody/parolees and minimum custody prisoners on individual assignments to other commands. This position will normally be filled by a civilian in Navy brigs.

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

f. Program Developer/Monitor. Program developers assist prisoners to develop programs that assist in meeting their personal retraining needs. Program monitors check, at least weekly, to ensure prisoners are carrying out their program plans.

g. Victim Witness Coordinator. Victim Witness Coordinators will be appointed in writing by the brig commanding officer. 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 will be sensitive to the needs of crime victims and witnesses.

4. Administration

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

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

c. Supply Supervisor. The supply supervisor is responsible for the receipt, issue, and inventory of facility operations supplies.

d. Mail Supervisor. The 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. The administrative clerk performs clerical duties.

f. Funds and Valuables Custodian. The funds and valuables custodian shall collect and ensure safekeeping of prisoner personal funds and valuables.

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

a. Operations Officer. The operations officer is responsible in the areas of security, control, accountability, emergency planning, and response.

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

c. Control Center Supervisor. The control center 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. He or she is responsible for requisition, storage, issue, and inventory of security equipment such as keys, instruments of restraint, etc. Personnel selected for this post should be carefully screened by the brig officer due to the responsibilities and high pressure associated with these duties.

d. Quarters/Cellblock Supervisor. The quarters/cellblock supervisor is responsible to the brig duty officer/duty brig supervisor or unit department head for the maintenance of good order and discipline, sanitation, and the accountability and welfare of prisoners in an assigned berthing area. Each separate berthing area (dormitory or cell block) will 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 the case of larger quarters (more than 35 capacity) or unusually configured spaces, it may be necessary to assign more than one quarters supervisor. Medium/minimum custody quarters should be closed during the day and prisoners should be out on work details (unless work centers are established in the day room spaces of the berthing areas). It should not be necessary to keep a quarters supervisor on duty in a medium/minimum berthing area to supervise one, or a few, prisoners who are not going out to

work. Therefore prisoners who are held-in for whatever reason should be supervised in a secured area adjacent and visible to a 24-hour post. Quarters supervisors will supervise prisoners on work details when the prisoners leave the housing area.

e. Security Supervisor. The security supervisor is responsible for control of prisoner movement, maintenance of security and related equipment, perimeter patrol, and the supervision of group activities. This person may be assigned to stationary posts such as control points, points of ingress or egress, shop areas, or activities such as messing, recreation periods, visiting, escorting prisoners, etc.

f. Prisoner Escort. The prisoner escort will be used for transporting prisoners to and from locations outside the brig. Escorts may be provided by the using command when properly trained and qualified and identified by a brig-issued Escort Identification Card (NAVPERS 1640/18).

6. Special. When the size of the facility and volume of prisoner turnover warrant, qualified personnel for the 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 will receive local training in security regulations, prohibited practices, and emergency procedures.

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

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

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

d. Mess Supervisor. The mess supervisor will ensure that the 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 that the preparation and serving of restricted diets, bread and water meals, and diminished rations conform to the requirements of this instruction. Prisoners may be used as mess personnel under the mess supervisor's direction. This person, when not assigned full time to the brig staff, will be assigned in writing by the CO.

e. Specialized Billets

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

(2) When the mission of a brig requires specialized programs, additional billets to accomplish the brig'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, will complete the training required for such personnel by the Chief of Naval Personnel or Commandant of the Marine Corps.

(3) All specialized brig staff shall have the same responsibilities for security and prisoner welfare as do other brig 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. The frequency of such reassignments is a matter of discretion with the brig officer, but experience has shown that assignment periods of less than 3-6 months are harmful.

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 following tasks may be grouped. These groups of tasks may be subdivided within their own group.

Correctional Counselor	-	Administrative Supervisor, Mail Supervisor, Training Supervisor

Administrative Supervisor	-	Supply Supervisor, Mail Supervisor, Receiving and Release Supervisor
Work Supervisor	-	Training Supervisor
Brig Duty Officer/Duty Brig Supervisor	-	Control Center Supervisor
Quarters Supervisor	-	Security Supervisor

3205. CONFLICTING ASSIGNMENTS

1. Officers. Officers assigned to shore brigs 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. The duty officer is frequently called upon to arrest, restrain, or confine personnel in the performance of duty. While exigencies of the service may require afloat brig officer personnel to perform a share of collateral duties, commanding officers of ashore activities 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 the 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 brigs will be established and changed using the procedures provided in OPNAVINST 1000.16H (NOTAL). Brigs/CCUs will be under separate Unit Identification codes to provide for the screening and training of personnel assigned to correctional duties. Only those billet titles provided in article 3202 will be used on Manpower Authorizations.

3302. TABLES OF ORGANIZATION (T/O) - MARINE CORPS. Marine Corps T/O's for brigs shall carry such billets as a separate Reporting Unit Code not integrated with any other element of the organization. Requests to establish new T/O's, and for changes thereto, for Marine Corps brigs shall be submitted through the chain of command to the Commandant of the Marine Corps (Code MPC).

SECTION 4. SPECIAL DIRECTIVES FOR CORRECTIONAL STAFF

3401. POST ORDERS. The brig officer shall ensure there are up-to-date written instructions for each post. These post orders shall contain a clear, concise statement of the purpose, schedule, supervisory functions, security requirements, and any other special features of the post. Staff members shall know and be able to perform the functions required in the post orders prior to assumption of that assignment.

3402. GENERAL RULES OF CONDUCT FOR STAFF

1. Generally, acting in conformance with the requirements of the UCMJ and observance of the 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 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 will be the minimum amount necessary to bring the situation under control.

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

d. Brig staff members are prohibited from bartering, giving, or selling any item or service to prisoners and prohibited from permitting others to conduct such activities.

e. Brig staff members are 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 or their families or friends.

g. Brig staff members shall not release information on individual prisoners without authorization of the brig officer.

h. Brig staff members shall set high personal standards of appearance and military bearing.

3403. FRATERNIZATION. Staff members are prohibited from fraternizing with prisoners. This restriction should not prohibit all contact, such as simple conversation between prisoners and staff members. Brig staff members are expected to treat prisoners as fellow human beings who are members of the military service in a subordinated position within the organization.

3404. HARASSMENT/SEXUAL HARASSMENT (SECNAVINST 5300.26B).

1. The personal dignity of all individuals shall be observed and any act or work which demeans, degrades, humiliates, or serves only to embarrass an individual is prohibited. Actions which are not specifically authorized by official brig policy and which would likely have the effect of humiliating or embarrassing prisoner/detainees or otherwise demeaning them shall not be done.

2. Sexual harassment is prohibited. This behavior interferes with an individual's performance and creates an intimidating, hostile and offensive environment. Whether the individual is a prisoner, detainee, or staff member, sexual harassment denies the individual respect and dignity and is contrary to the mission of the brig. Brigs will strictly follow and enforce Secretary of the Navy's policy in both letter and spirit.

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

3406. URINALYSIS TESTING. The policy for urinalysis testing in brigs for staff and prisoners will be implemented as provided in OPNAVINST 5350.4B (NOTAL) or MCO 5300.12 (NOTAL).

SECTION 5. STAFF TRAINING

3501. INITIAL TRAINING. All personnel assigned to corrections duty shall receive formal training as specified by the Chief of Naval Personnel or Commandant of the Marine Corps (Code T&E/MHC) as appropriate.

3502. PRE-SERVICE TRAINING. After successful completion of formal correctional training all personnel will undergo pre-service training which is conducted at the brig and precedes assumption of duties. All personnel assigned duties within the

brig shall attend pre-service training classes regardless of billet assignment or specialty code. It should be sufficiently broad in scope to give a thorough understanding of the policies, programs, and the procedures to be followed in all phases of the operation. It should 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. The 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) for specific assignments of a correctional specialist prior to assumption of duties. All pre-service training will be documented in such a manner as to permit verification of date and length of training and attendees.

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 brig shall conduct regularly scheduled in-service training so that a complete cycle of subject matter is completed within one year. All staff personnel, 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, as a minimum, will include the following subjects:

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

b. Reception process, physical examination, health and comfort issue, clothing issue, personal property, completing forms, and reception lecture content.

c. Searches, seizures, shakedowns, contraband.

d. Program and custody classification, counseling, work, education, training, return to duty or discharge.

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

f. Problem prisoners, including the assaultive prisoner, the suicide risk, the homosexual, bloodborne/airborne pathogens, drug user/purveyor, the 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, medications, and tools.

h. Disturbances; fire, escape, and riot control procedures; restraining methods and instruments; and emergency equipment.

i. Brig rules for prisoners; the disciplinary report; 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.

k. First Aid and CPR.

l. Escort training and procedures.

m. Victim Witness Assistance Program.

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

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

3505. PROFESSIONAL DEVELOPMENT. It is desirable that brig staff members have access to college-level training, meetings, seminars, an annual workshop provided by the Chief of Naval Personnel, and staff training programs of professional correctional agencies. The Federal Bureau of Prisons, the National Institute of Corrections, and many state and local correctional agencies will 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, monographs, and cassettes for the staff library may be purchased by the confinement facility and may be supplemented by the station or regional library.

cabinet, writing desk, and adequate examination lighting. A

CHAPTER 4

CONTROL, SECURITY, EMERGENCIES

SECTION 1. PRISONER ACCOUNTABILITY SYSTEM

4101. CONTROL CENTER FUNCTION

1. The control center is the focal point for all brig security and control operations, and is the impenetrable nerve center of the brig. 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 personnel, and visitors are controlled; and where emergency equipment is stored. The main communications terminals, both regular and emergency, are located in the control center. Outside telephone switchboards will 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. The control center shall be manned at all times and its security integrity maintained. Access to the control center shall be limited to authorized personnel. Prisoners shall not be allowed access to the control center under any circumstances. The security features of the control center should be sufficient to prevent unauthorized persons from entering forcibly. The 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. The control center should be constructed and ventilated so that in the event chemical agents are used within the facility, they will 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 will be controlled by and maintained in the control center. The extent of this system will be tailored to meet local needs. Small centers may combine elements as desired. Many of these required reports can be generated by the Correctional Management Information System (CORMIS). Elements of this system are:

a. The Confinement Order (NAVPERS 1640/4). Confinement Orders shall be delivered to the control center by the receiving

and release supervisor immediately upon receipt of new prisoners. The control center supervisor shall make the necessary additions and deletions to the control center 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 (NAVPERS 1640/16). The control center's copy of the Prisoner Identification Badge (NAVPERS 1640/16) will be maintained in alphabetical order in a visible or readily visible file in the control center. New badges will be added only when new Confinement Orders are received and those on file will be removed from the Master File only upon receipt of an executed Prisoner Release Order (DD 367). At this time both shall be forwarded to the administrative supervisor for inclusion in the prisoner's file. Electronically generated prisoner badges in the same format may be utilized with prior approval by Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC).

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. Normal format is a wall chart which provides the 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). The form shall also indicate the berthing space which will be vacant when a prisoner is counted out of quarters.

f. Daily Change (or Transfer) Sheet. A listing of all authorized status and program changes will be prepared daily, authenticated by the brig officer or programs officer, and distributed to all posts and a copy will be provided to the control center. All housing moves, except emergencies, will be accomplished in conjunction with the Daily Change Sheet.

g. Daily Appointment Sheet. Each work day, a Daily Appointment Sheet will 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 list will be authenticated by signature of the brig officer or administrative officer and distributed to the control center and each applicable post. This list shall group appointments by time sequence and each entry shall show the prisoner's name, social security number, and the call-out appointment. A column will be provided for explanatory remarks. Prisoner passes shall be prepared prior to the time of the call-out by the quarters supervisor or escort/project supervisor who has custody of the prisoner at the time of the call-out appointment.

h. Prisoner Release Order (DD 367). Release orders shall be verified and maintained in the control center until the release is effected. Then, forward the release order to the administrative supervisor for inclusion in the prisoner's file. The administrative supervisor will ensure that the 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. The 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 will be included in this log.

4103. COUNTS

1. A minimum of three prisoner counts shall be made daily (reveille, end of workday, and taps). More frequent counts may be required depending on prisoner population and the physical characteristics of the facility; however, the frequency of the counts should not unduly interfere with the normal workday activity. In addition to the 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 will be scheduled at times which will not interfere with work, training, sleep, or recreation schedules. The results and times of all counts 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 will be announced to alert the supervisors and to halt prisoner movement.

b. All external gates will be secured during the count and will 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 Cellblocks. 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 will 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. The only exceptions to standing at attention during count will 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 the quarters or project supervisor has an accurate count, it will be reported to the control center supervisor.

e. The control center supervisor will 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 will be repeated as stated above. A second miscount will cause the control center supervisor to call for a picture count from each supervisor conducting the count using the Prisoner Identification Badge (NAVPERS 1640/16). In the event the picture count finds a prisoner(s) missing, the escape provisions required to be established by article 4407.3 will be initiated.

g. Supervisors will personally count the 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. They must be orderly, punctual, and well supervised. Military formations and procedures are excellent control measures and will 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 the 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, the installation custody prisoners shall carry an Installation Custody Agreement (DD 512) describing their status and limits of movement.

4105. SALLY PORT OPERATIONS

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

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

a. Whether the 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 the sally port doors or gates are electrically operated, the controls will 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 should be so constructed that 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 shore brig 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 CLASSIFICATIONS

4201. PURPOSE AND DEFINITIONS

1. Purpose. The purpose of custody classification is to establish the degree of supervision needed for control of individual prisoners. Custody classifications provide guidance for supervision of prisoners and permit the establishment of security measures consistent with the requirements of the individual. Among prisoners there are wide variations in personality and mentality. Where there is fair and impartial treatment, prisoners generally present no serious disciplinary problems. There are some prisoners, however, who are deliberately uncooperative. Some have personality difficulties which make them chronic sources of trouble, such as the highly aggressive person or those acutely depressed. Efforts must be made to identify all special cases, and control measures instituted to ensure the safe and orderly administration of the brig. An objective custody classification process which addresses the characteristics of the prisoners should be developed and used.

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

a. Maximum Custody. Prisoners requiring special custodial supervision because of the high probability of attempted escape, or because they are dangerous or violent and whose escape would cause concern of a threat to life or property. Ordinarily, only a very small percentage of prisoners should be classified as maximum custody.

(1) Supervision must be immediate and continuous. A DD 509 should 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 a maximum custody prisoner is out of his or her cell.

(5) Maximum custody prisoners will wear restraints at all times when outside the maximum security area. There will be two

escorts with each maximum custody prisoner at all times while outside the cell. On a case-by-case basis, commanding officers of brigs may authorize additional restraint for movement of specific maximum custody 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) should be observed.

b. Medium Custody In. Prisoners who present security risks but do not warrant maximum custody level. They are neither dangerous nor violent.

(1) Supervision will be immediate at all times.

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

(3) They will wear restraints outside the security perimeter, unless senior security personnel determine restraints are not required in a particular circumstance.

(4) They will require two escorts when outside the security perimeter, unless senior security personnel determines that one escort is acceptable in a particular circumstance.

(5) They may be assigned dormitory quarters.

c. Medium Custody Out. Prisoners requiring continuous custodial supervision, but whose potential for escape does not present a threat to life or limb or destruction of property.

(1) Supervision shall be immediate and continuous at all times when outside the security perimeter of the brig.

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

d. Minimum Custody. Prisoners who do not present an apparent escape risk. Their behavior demonstrated while confined requires only limited custodial supervision.

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

(2) They are usually assigned work outside the facility; are escorted and transported by the brig staff or trained and certified escorts to and from the work site; but, while working, they may be under the supervision of other than correctional

staff if the person(s) is trained and certified as an escort in accordance with article 7406 of this manual. Supervision must be constant while outside the brig.

e. Installation Custody. 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. The 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 6 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 brig. Additional authorized privileges, such as attending the installation theater, library, sports events, and similar activities may be granted.

(5) The person's uniform outside a Navy brig will not identify the individual as a prisoner. Prisoners confined in Marine Corps brigs will wear the standardized prisoners uniform in accordance with MCO 1640.5A (NOTAL).

(6) All such prisoners 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 installation custody prisoners, and countersigned by the brig officer. The pass will be turned in and checked out from the control center supervisor as required. Assignments should depend on ability to handle responsibility and, whenever possible, be commensurate to the individual's training, skill, the needs of the service, and the potential training value to the prisoner. The maximum use of installation custody status is encouraged.

4202. CLASSIFICATION CRITERIA

1. All new prisoners, except those specifically deemed to be serious management problems (maximum custody), should be assigned a "medium-in" custody classification during the reception phase. Detainees will not be assigned a medium out or minimum custody classification. Navy brigs will use the objective classification system provided by the Chief of Naval Personnel.

2. Ultra-conservative custody classification results in a waste of prisoner and staff manpower. A high number of maximum and medium custody prisoners requires more staff members for supervision, and the kinds of productive work available to higher custody classifications are usually much more limited. The classification system must follow established, but flexible, procedures.

3. A custody classification shall be based on the amount of supervision each individual requires. It is inherent in the system that those prisoners in lesser custody status (minimum or installation) will have the opportunity for additional privileges, simply because of the requirement for reduced supervision and of their increased mobility. A prisoner in any custody classification may be granted extra privileges, within security constraints, for above average performance. Privileges must be earned and are not automatic with a custody classification. The prisoner should be placed in the lowest custody classification possible as soon as possible. Thus, it is not appropriate to "promote" prisoners through the custody classifications in sequence. If the individual subsequently does not meet the established criteria, the custody classification can be revised.

4. The following are factors to be considered in assessing higher custody classifications (maximum or medium-in):

a. Assaultive behavior.

b. Disruptive behavior.

c. Serious drug abuse.

d. Serious civil/military criminal record.

e. Low tolerance of frustration.

f. Intensive acting out or dislike of the military (however, when a punitive or administrative discharge is pending, this type individual may prove to be no custodial risk).

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.

5. The following are factors that indicate lower custody classifications (medium-out, minimum or installation custody).

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 (responsibility).

e. Indications that the individual wishes to return to duty.

f. Comparatively short sentence to confinement; however, length of sentence should not be an overriding factor.

g. Behavior during a previous confinement.

6. It must be understood that the factors mentioned above are only indicators, not ironclad rules. An evaluation of all phases of the prisoner's performance should be made prior to each custody change. By following the criteria and concepts outlined above, commands will be able to reduce the staff-to-prisoner ratio, make more efficient use of staff, and provide an atmosphere in which restoration efforts will be more effective.

7. Adult Internal Management System. An Adult Internal Management System (AIMS) classification will be determined for each prisoner confined in Navy brigs. 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 privilege determination, but is very useful for housing and programming prisoners together in order to maximize their opportunities to succeed and to utilize programs offered. The use of AIMS in each brig is required; each Classification and Assignment Board or Unit Board will consider a prisoner's AIMS Classification in assignment of berthing, program, and work.

4203. EVALUATION OF PRISONERS

1. An evaluation program as issued by CHNAVPERS (Pers-84) shall be implemented in all Navy brigs 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 should 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 will indicate possible program changes.

2. The receiving and release supervisor will ensure that a Personal History Record (DD 498) and an Initial Contact Sheet (NAVPERS 1640/19) are completed on each prisoner as part of the admission process. The Initial Contact Sheet 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 will be submitted on the Work and Training Report (NAVPERS 1640/10)/or Responsible Servicemember Form.

a. Each report should describe the 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 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 and for board usage.

5. Each staff member has the responsibility for passing information concerning prisoners to the proper authority in the brig. What seems to be a bit of trivial information may prove to be significant when coupled with other information on hand. The behavior and attitude of the prisoner in the berthing area, at

work, in recreation, and in a classroom will provide a good overall indicator of problem areas and adjustment progress. Continuous staff evaluation of each prisoner cannot be overemphasized.

4204. CLASSIFICATION AND ASSIGNMENT BOARD (CUSTODY). The brig Classification and Assignment board (C&A) will establish an individual prisoner's custody classification using objective classification procedures as much as possible. When the C&A Board determines custody classifications, it will be composed of the brig officer or designated representative, one senior staff member from security and one from programs, and any other members appointed by the brig officer. See article 6303 of this manual for the 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, or other traits of character. If required to preserve order, the brig officer or, in his or her absence, the brig duty officer/ duty brig supervisor may authorize special quarters for such prisoners for purposes of control, prevention of injury to themselves or others, and for the orderly and safe administration of the brig. A hearing to determine the need for continued administrative segregation of the prisoner will be conducted by a member of the brig staff, appointed by the brig officer, to review and make recommendations to the brig officer within 72 hours of the prisoner's entry into segregation.

b. The special quarters unit is a group of regular cells used to house those prisoners who have serious problems of adjustment, are highly temperamental or emotional, antisocial, some medical cases, or who cannot get along with other prisoners, or are persistent custodial problems. Special quarters is not a punitive measure and shall not be used as such. Prisoners must understand their status at all times. Prisoners are assigned to special quarters by the brig officer 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 homosexuals). For each period of 30 days a prisoner is retained in special quarters, the brig officer will determine and certify the requirement for continuation in special quarters.

2. 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 officer. A segregated prisoner shall be released to regular quarters as soon as the need for special segregation is past.

3. 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 non-aggressive and otherwise satisfactory.

4. Suicide Risks

a. Prisoners with a history of suicide attempts or who are considered to be suicidal should be immediately referred to the medical department for further evaluation and appropriate action. The prisoner should be made aware that he or she may request the brig chaplain provide spiritual or religious counseling. A prisoner evaluated as suicidal by the Medical Department must be hospitalized immediately. If deemed appropriate by the brig officer, prisoners who have threatened suicide or have made a suicidal gesture, but who are found fit for confinement, may be placed in the category of "suicide risk" for observation. They will be placed in special quarters and placed under continuous sighting. The prisoner's clothing may be removed where deemed necessary by the brig officer but 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.

b. If evaluations are delayed, and these persons remain in confinement, they shall be quartered in cells and checked at a minimum of 5-minute intervals. They shall not be permitted to retain implements with which they could harm themselves.

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

5. 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 officer. 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. The Inspection Record of Prisoners in Segregation (DD 509) shall be used to record visits.

6. Acquired Immune Deficiency Syndrome (AIDS)/Human Immunodeficiency Virus (HIV). AIDS and HIV Positive cases are relatively rare occurrences in naval brigs. If a prisoner is found to have contracted HIV or is suffering from active AIDS, consult the Infectious Disease Clinic, National Naval Medical Center, Bethesda, MD (DSN: 295-4237; Commercial (301) 295-4237), immediately for guidance if local medical personnel are unable to provide adequate guidance. Additionally, Chief of Naval Personnel (Pers-84) provides separate correctional guidance as to the handling of such cases by brig staff and others. Unresolved security issues and questions may be referred via chain of command to Chief of Naval Personnel (Pers-84) for assistance. Telephone contact to major claimant or Chief of Naval Personnel (Pers-84) is acceptable in cases requiring expeditious responses. MCO 6700.3 (NOTAL) provides guidance regarding management of HIV positive individuals in Marine Corps brigs.

4206. BERTHING

1. Where facilities permit, the newly admitted prisoner will 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. In some brigs, practicality dictates that these prisoners be berthed in the same quarters. However, every effort will be made to maintain separate berthing and an entry will be made in appropriate brig logs when commingling becomes necessary.

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

4. Separation of prisoners should be by custody or Adult Internal Management System (AIMS) classification. (See article 4202.7) The optimum situation would permit housing different custody classification prisoners in different and separate areas.

Where optimum conditions do not exist, prisoners in medium and minimum custody classifications may be housed together.

5. Prisoners requiring special custody and security measures must be identified and segregated at the earliest possible time.

SECTION 3. SECURITY SYSTEMS

4301. RESPONSIBILITIES FOR SECURITY

1. The primary purpose of a brig is the custody and control of prisoners. The control of prisoners is effected by the 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 personnel and prisoners.

2. A sound system of security, custody, and control shall be established in each facility. Every staff member must understand that custody and security do not stand alone but are interdependent with all other portions of the operation. Each individual assigned to a brig is responsible for its security, 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. Because of the nature of the prisoner population in the naval service, the use of armed sentries within the perimeter is not authorized. When perimeter sentries are necessary, sentries outside the compound of a shore brig shall be located so as to have an unobstructed view of the enclosure, and approaches to it.

4. Security measures inside the brig 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. The existence of programs or activities such as work, organized recreation, and self-improvement activities combine to create sound custodial measures. Security cannot be assured if it is based on procedures which are operated wholly against the will of the prisoners. When prisoners spend long hours in idleness and feel they are harassed by unnecessary restrictions

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

6. The brig shall be posted as a restricted area. Persons not assigned to duty at the brig shall not be allowed to enter the area except on official business or as authorized visitors. Members of the staff, quartered or subsisted within or outside the compound, shall remain clear of the prisoners and brig area when off duty. Authorized visitors will 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 the 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 will specify what items are allowed and under what conditions. Items which threaten the security and safety of the brig, 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 the brig officer. It is essential that a strict chain of custody be maintained of any evidence which may be used in disciplinary action.

2. Searches. Prisoners shall be instructed that their persons, their quarters, and their work areas are subject to search at any time during their stay in confinement. Searches should be conducted in a professional manner. The policies of article 3404 are applicable. There are two general types of searches, one of a person, and the other of an area. These two methods 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. In the frisk search, the prisoner's body and clothing are examined by the staff member running his or her hands over all areas. The possessions carried by the prisoner are also examined. Requirements for prisoners to assume exaggerated positions are not normally necessary. Unnecessary force is prohibited. A quick, careless search is useless. Random frisks will usually prove adequate in controlling contraband. Care must be taken not to establish a predictable pattern in conducting these searches.

(2) Strip Search. The strip search shall be used in admitting new prisoners, when transferring prisoners or whenever suspicion of a crime or violation of the UCMJ attaches to a prisoner. The brig officer will 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. The complete search will 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 the 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 will be searched by staff before and after all visits, and prior to any further access by prisoners. In conducting such searches, a definite plan should be followed. Prisoners should 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 should be marched out of the area, each being frisk searched on leaving. All authorized articles should be handled carefully and replaced when the search is completed. Care should be exercised to avoid any undue disturbance of prisoners' effects.

4303. KEY CONTROL

1. The control of keys is a major element of security. A key control system should include routine (at least monthly) surveys to ensure that the authorized number of keys are available and that they will operate the locks. The system should identify each key or ring of keys and give its location at all times. No key's marking should 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 brig 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 will be rotated regularly with duty keys to ensure all keys function properly. A third duplicate set of keys shall be maintained outside the brig and at a secure location providing 24 hour availability. All sets of keys will 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 will be secure at all times. Stowage should be such that keys may be readily selected in case of emergencies. The key control system must be rigidly enforced. The control center shall have an accurate key book showing the number of each key, trade name of lock and its location, and the 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 will 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 should have only the keys to a locked sub-area (such as keys to cells within a cellblock.)

4. A system for the control of brig staff members personal keys shall be implemented.

4304. TOOL CONTROL

1. Tool control is essential to the security of the brig. Small tools as well as large will 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 should 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 and/or maintain tool cribs.

c. Regularly verify presence of tools.

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

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

f. Tools allocated to various departments should be distinctly marked for ready identification and to determine which department has the 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 or departure of any vehicle to or from the facility is contingent upon the consent to search. All vehicles leaving or entering the facility shall be carefully checked. 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 the discretion of the brig officer, 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 in accordance with 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 in accordance with the 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, Plastic Glue, Duplicating Fluid, 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 the staff to

see that items of this kind are kept under lock, and that only the amount necessary for the work on hand is issued. The 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 in accordance with local safety regulations. Shops where these items are used will 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 brig. Such items should 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, or chemical riot control equipment shall be allowed inside the security perimeter of the facility only when specifically authorized by the commanding officer or higher authority, and then only to prevent or stop a riot or general disturbance. The officer authorizing such use should ordinarily be physically present during the period of authorized use.

2. Firearms. The use of firearms will be authorized by the commanding officer only as a last resort. Firearms will be used only to prevent serious injury, loss of life, or to protect personnel (staff or prisoners) who are held as hostages. Persons should 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 will be given first. Warning shots shall not be fired. Firearms will be used only by personnel qualified in their use.

3. Batons. Batons, Riot Batons and Monadnock PR-24 Batons are considered deadly weapons. Their use may be authorized by the Commanding Officer only when the degree of force that can be applied by hand is inadequate to quell violence or control unruly prisoners/detainees. When authorized, apply the minimum force necessary to control the situation. Specific training and annual certification is required for personnel carrying the Monadnock PR-24 Baton.

4. 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 commanding officer, and only by a person trained in its use. A trained riot force of the command, post, or station should be utilized. Oleoresin Capsicum (OC) and Ortho-Chlorobenzylidene Malonitrile (CS gas) may be used in all naval brigs and pretrial confinement facilities with the exception of overseas facilities where OC or CS gas is prohibited in the Status of Forces Agreement with the host nation. Additional restrictions and responsibities are provided below:

a. Oleoresin Capsicum (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 brig 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 during accidental release to monitor the number of individuals exposed and any attibuted adverse outcomes.

b. Ortho-Chlorobenzylidene Malonitrile (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. The use of gas shall be authorized only by the commanding officer and only CS gas will be authorized. Normally grenade type canisters will be used.

(1) Sufficient gas should be used at the first attempt to quickly break up all resistance. The minimum effective amount and the maximum amount that can be safely used in any given area should 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. The gas will break the resistance, but the prisoners may have to be forcibly removed. A follow-up squad

equipped with gas masks should be ready to enter the affected area.

(3) The gas should 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. Commanding officers operating brigs may establish procedures for the control and use of aerosol tear gas subject to the following restrictions:

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

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

(3) Under the following conditions a commanding officer may authorize the brig officer to use aerosol tear gas streamers. In all cases where immediate use is dictated by emergency circumstances, each instance will be immediately reported to the commanding officer 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 will 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 two feet is prohibited.

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

(b) Decontamination of the brig will be accomplished following the use of tear gas.

2. Whenever a chemical agent is used, a detailed description of the circumstances attending its use will be reported in accordance with article 8116.2. If injury or an adverse public reaction should occur, an interim telephonic report will be made immediately to Chief of Navy Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) 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. Movement of prisoners requiring this restraint at a base or station shall be limited to specific occasions authorized by the commanding officer. Use of other control methods, e.g., strait jacket, must be authorized by a medical officer.

3. Instruments of restraint are not normally authorized to be used within the security perimeter of the brig except when preparing to move a maximum custody prisoner outside the segregation unit, or to regain control during a disorder, or when a prisoner is violent and self-destructive. The senior staff member on duty at the brig 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 commanding officer shall be notified immediately. The commanding officer or the command duty officer shall make an immediate on-

site visit to observe that the use of restraints is appropriate and shall report that use to his or her immediate superior in command. An incident report shall be submitted as directed in article 8116 of this manual if the situation warrants it. In any case the senior staff member on duty at the brig shall ensure that restraints are removed as soon as possible.

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

5. Restraints will not normally be used in the transportation of prisoners on station, i.e., meals, dispensary or hospital, station office interviews, court-martial proceedings, except as authorized in article 4201. Care should be taken not to display restrained personnel unnecessarily to the public.

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 should be investigated to eliminate incidents that could result in a riot. A well-trained staff will be able to observe and detect tensions and unrest among prisoners and must report them promptly.

2. The frequent causes of disturbances are mistreatment, untrained staff personnel, failure to separate the problem prisoners from the regular prisoners, and improperly prepared or served food.

3. When an incident or disturbance occurs, staff members should identify individual prisoners involved and report their actions. The immediate identification and isolation of leaders may prevent the 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.

4402. CONTROLLING DISTURBANCES

1. Staff personnel will avoid the 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, responsibilities shall be considered in this order:

a. General public safety.

b. Safety and welfare of hostages (if any).

c. Prevention of loss of life or injury to other personnel.

d. Prisoner welfare.

e. Protection of property.

4403. PRIORITIES OF FORCE. When the use of force is necessary, it will 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. The 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. The priorities of force and who may order them are:

Priority of Force	Who May Order
An order	any staff member
Show of force	brig officer, operations officer, brig duty officer/ duty brig supervisor
Use of physical force, other than weapons fire	brig officer, or authorized representative
Use of high pressure water	brig officer
Use of batons, tear gas and/or chemical agent	commanding officer (see article 3201.1a)
Fire by selected marksmen	commanding officer (see article 3201.1a)

Full firepower	commanding officer (see article 3201.1a)

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 should know would create, a substantial risk of causing death or serious bodily harm.

2. The following are examples of extreme situations where the 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.

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 will 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 brigs, additional EBDs will be maintained at control posts close to prison berthing areas.

2. The fire bill shall provide for the following:

a. The security and prompt evacuation of all personnel to a preselected secondary 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 the fire bill including layout of primary and alternate evacuation routes for the information of staff and prisoners.

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

i. All fire bills will be coordinated with and approved by the command fire marshal.

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

4406. NATURAL DISASTER BILL

1. If a shore brig is not secure enough to withstand typhoons or hurricanes, prisoners and staff members shall be evacuated prior to the final alert stage or condition.

2. The 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 predetermined for the security and prompt evacuation of all personnel. Routes through areas above the high water (flood or tsunami) line shall be clearly marked and prominently posted if geographic location dictates.

c. Emergency food, water, first-aid supplies, and communications shall accompany personnel if not already prepositioned at the evacuation site.

d. If time permits, basic prisoner records shall accompany personnel to the evacuation site.

e. The brig shall be secured once evacuation is complete.

f. Medical assistance shall be provided for injured personnel.

g. All personnel should be accounted for once the emergency has passed, and an orderly return to the brig.

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 the 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 Brig. If a prisoner attempts to escape, take action in the following order.

(1) Command the escapee 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 that 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 brig or if the person refuses to obey an order to remain with the detail, the escort will attempt to restrain the individual 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 will march the remaining

prisoners to the nearest means of communications, report the incident to the brig, and request instructions.

3. The escape bill shall provide for the following:

a. Procedures for reporting the 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 should be tested periodically to verify accuracy of recall numbers and the 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 should 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 should 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 shall be completed and forwarded to the Deserter Information Point by the most expeditious means. (For Navy personnel call 800-336-4974; for USMC personnel call DSN: 226-2031/1148, commercial (703) 696-2031/1148; for Army personnel call DSN: 699-3711/2/3, commercial (317) 542-3711; and for Air Force personnel call DSN: 487-5118, commercial (512)542-3711).

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 base 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.

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 should 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 should be called as necessary to handle the situation and they should be assembled as soon as they arrive. This delay can be used to plan the operation and determine immediate objectives. The outer perimeter must be secured.

4. Tear gas may be used as directed by article 4308.

5. Prior arrangements shall be made for the appropriate emergency response unit, not assigned to the brig, 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 should be held on a periodic basis. The kind and amount of force used will be directed by the situation. A standby reaction force is not required.

6. The 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 commanding officer, 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, i.e., 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. The cause of the disturbance should 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. The use of a skilled negotiator from the brig staff or other department will be provided for in the Emergency Bill, but senior decision-making personnel shall not become directly involved in negotiations with prisoners.

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

p. The use of cameras is encouraged during disturbances and will often have a cooling effect on the situation 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 and/or videotape).

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

7. Post-Riot Procedures. The following steps shall be taken as soon as the disturbance is under control to ensure that no one has escaped and that the 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 the dining hall until it is certain that 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 that 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 brig'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. The proper indoctrination of all staff members and the specialized training of hostage reaction teams is imperative. It is Secretary of the Navy policy that if a disturbance occurs in a brig, necessary force will 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 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. Discipline, not harshness, is the heart of the correctional process. Nowhere is it more important than in military brigs, 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 Navy and Marine Corps brigs are young, and are in confinement due to their lack of self-discipline.

2. Discipline can be learned, but only in a disciplined environment. Brigs 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 will observe this and most will respond positively. The objective is to instill discipline by teaching and demonstrating the value of self-discipline.

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

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

5. Instructions concerning various prisoner routines and responsibilities should be thoroughly explained in the reception phase. It must be realized that newly-arrived prisoners are in unfamiliar surroundings. They must be informed of the limitations placed on their activities, and the opportunities available to them for self-improvement.

6. The daily routine and schedules of special activities should be prominently displayed in places readily accessible to prisoners.

7. Basically three rules are required of prisoners:

a. "Don't escape, attempt to escape, or aid another to escape."

b. "Do not have contraband in your possession."

c. "Do not engage in disruptive behavior."

8. Each prisoner is expected to comply with the brig rules and each will be informed that any attempt to circumvent regulations will be punishable as a breach of discipline.

9. Prisoners are subject to the UCMJ, regardless of discharge status.

10. Personnel in confinement shall observe military courtesies in accordance with customs, traditions, and usage of the Navy or Marine Corps, as appropriate. They shall not be required to observe or practice military courtesies or other requirements which are unorthodox and not standard military practices. The following are examples of prohibited requirements:

a. Requiring prisoners to salute or address enlisted personnel as "sir;" or to refer to themselves by a number vice their name.

b. Requiring all prisoners to begin or end all statements to enlisted personnel with "sir."

c. Requiring prisoners to face bulkheads at close range in the passage of staff members.

d. Requiring prisoners to request permission to speak.

11. Military courtesies and discipline shall be taught and required in a brig as they are practiced in a regular military unit or aboard a ship or station. Extra military instruction (EMI) is widely utilized throughout the services as a means of improving military performance. Its use is particularly appropriate as a method of improving military standards of offenders. Calisthenics or military drill shall not be imposed as EMI.

12. Gambling among prisoners is specifically prohibited.

5102. ADMINISTRATIVE DISCIPLINARY PROCEDURES

1. Brigs

a. Navy Brigs. Commanding officers or officers-in-charge (CO/OIC) may impose punishment on prisoners. This authority may also be granted to brig officers when also designated as CO/OIC. Actions taken in connection with administrative disciplinary procedures do not preclude trial by court-martial or action under article 15, UCMJ.

b. USMC Brigs. As outlined in article 3202.2a.(2), the brig officer, when authorized in writing by the commanding officer, may impose those administrative disciplinary measures outlined in article 5103.2.

2. General

a. The rules of a brig must be enforced in a just and impartial manner. Violations must never be ignored or condoned, and minor violations should be dealt with on the spot by staff members. Normally, calling the individual aside and explaining why his or her behavior is unacceptable will suffice. Excessive use of disciplinary reports reduces their effectiveness. For minor offenses, on a single occasion local privileges such as TV may be withheld from an individual prisoner by the quarters supervisor, or Brig Duty Officer in Navy brigs; this function is reserved to the Duty Brig Supervisor in Marine Corps brigs. Mass or group punishment for the offense of an individual is strictly prohibited. Specific guidelines shall be promulgated in local regulations and each instance recorded in the brig log.

b. Disciplinary reports should 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.

c. No inference should be drawn that every minor incident must be put in writing; however, informal spot reports placed in a prisoner's file provide an excellent means of evaluating his or her performance.

3. The following procedures shall be followed when a prisoner commits an infraction of regulations, and an on-the-spot verbal correction or a written spot report is not considered appropriate:

a. When a staff member reports an offense, the prisoner shall be informed, at the time, of the nature of the charge or allegation of which the individual is accused. The disciplinary report (NAVPERS 1640/9) shall be used in reporting offenses. Contraband or other evidence substantiating the charge is to be submitted with the report.

b. The disciplinary report shall contain sufficient information to identify the offender; the nature of the offense; the date, time, and place the offense occurred; and the names of witnesses, if any.

c. An informal investigation into the circumstances of the offense shall be made by a staff member not involved 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 article 31, UCMJ, and informed of their rights to consult with counsel. After having their rights explained, prisoners may sign a waiver of their rights and request an immediate hearing without consulting counsel, obtaining a personal representative, or calling witnesses.

d. If the investigation recommends a hearing by the Disciplinary and Adjustment Board, or hearing by the CO/OIC if the matter is serious enough, written notice of the charges shall be given to prisoners at least 24 hours in advance of the hearing. In the absence of a specific finding that such would not adversely affect the security and good order of the brig, prisoners will be allowed to call witnesses for the presentation of relevant testimony, and to present documentary evidence in their defense. The prisoner has no right to cross-examine witnesses. In cases where the security or good order of the brig would be adversely affected, the identity of witnesses will not be revealed to the prisoner.

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

f. 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 punishment, if appropriate. Such punishment is primarily corrective in nature, designed for minor misconduct in a nonjudicial forum. As such, the standard of proof by which facts must be established is by a "preponderance of the evidence," rather than "beyond a reasonable doubt," as it is in a court-martial. It is recommended in actions where the prisoner is illiterate or where unusually complex issues exist that a knowledgeable staff member be assigned to explain the issues and procedures and provide guidance as necessary.

g. When the offense is of a nature that it requires action by the CO/OIC, the disciplinary report, the prisoner's file (to include the Prisoner Conduct Record, NAVPERS 1640/8), and any other material considered applicable to the incident shall be forwarded to the commanding officer for review before the disciplinary hearing.

h. There must be a written statement by the officer conducting the hearing that lists the evidence relied upon and the reasons for disciplinary action taken. The disciplinary action shall become effective when announced. The time spent in

special quarters pending investigation in reaching an appropriate punishment shall be considered, but the officer(s) administering the punishment is not bound to give credit for such time.

4. There may be cases which are too serious to be resolved by a spot report, but which do not merit a hearing by the commanding officer. A Discipline and Adjustment Board will be appointed at each brig to hear such cases. The board should be composed of at least three members without direct personal interest in a given incident. It is chaired by the staff member next in authority to the brig officer, and enlisted personnel may serve as board members when designated by the brig officer, or in the Marine Corps, by the CO/OIC. The brig officer will review and approve or disapprove the findings and/or recommendations of the board and will forward such action to the CO/OIC when appropriate.

5. The record of such proceedings shall become a part of the prisoner's file.

5103. AUTHORIZED ADMINISTRATIVE DISCIPLINARY MEASURES

1. If appropriate, prisoners may be recommended to their parent commanding officer for punishment under article 15, UCMJ, or trial by court-martial.

2. The CO/OIC may impose any of the punishments listed in article 5103.3 upon any person, including members of other military services, confined in the facility. The CO/OIC may authorize his/her next senior officer to impose administrative reprimand or warning, loss of privileges, and extra duty upon prisoners in the CO/OIC's absence.

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

a. Administrative Reprimand or Warning

b. Loss of Privileges. The privileges subject to deprivation by disciplinary action are those established to encourage good conduct. However, attendance at religious services, receiving visitors, correspondence, and smoking shall not be restricted unless the misconduct is directly related to them and restriction is necessary.

c. Extra Duty. Extra duty shall not conflict with regular meals, regular sleeping hours, attendance at scheduled religious services, or interviews with authorized persons (i.e., chaplain, medical officer, legal counsel, etc.) or with regular visiting hours. 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. The use of calisthenics and close order drill for extra duty is prohibited.

d. Forfeiture of Good Conduct Time. The CO/OIC of the brig may forfeit any or all of the prisoner's good conduct time earned to include that good conduct time administratively credited for pre-trial confinement. In addition, all good conduct allowances earned up to the date of violation may be forfeited. Except for time forfeited for parole or probation violations, the CO/OIC of the brig may subsequently restore good time forfeited by themselves or another CO/OIC. Forfeiture resulting from escape should not be restored. Suspension of a forfeiture of good conduct time for a probationary period is authorized.

e. Disciplinary Segregation. Disciplinary segregation should be imposed in those cases considered serious from the institutional standpoint, but which may not be initially referred for action under article 15, UCMJ, or courts-martial. Prisoners serving disciplinary segregation should remain in their assigned cells except as noted in paragraph 5103.3(e)(5) of this manual.

(1) Disciplinary segregation shall be served in a single occupancy cell, where the prisoner cannot communicate with unauthorized personnel, and most privileges will be denied. Prisoners shall remain in their cells at all times except as specified below. They shall not be taken out of the cells to attend religious services. Assistance in the observance of denominational requirements, when available, should be provided in the cells when appropriate. Prisoners in disciplinary segregation shall not participate in recreational activities.

(2) The CO/OIC is authorized to impose a special diet in conjunction with disciplinary segregation. A special diet should only be imposed when expected to create a positive effect and should not be used as a routine adjunct to disciplinary segregation. Certification by the medical officer prior to imposing a special diet is required to document that this additional measure will not adversely affect the prisoner's health. This documentation will be filed in the prisoner's file. The mess officer will document the amount of calories for each meal and the special diets shall consist of three meals daily to provide not less than 2100 calories daily. All items of the regular daily ration will be included except sweets and desserts. Normal standards of preparation and service of food will be maintained. Water will be the only drink. Disciplinary segregation on special diet may not exceed 15 days. Consecutive

periods of disciplinary segregation (15 days in, 1 out, 15 days in, etc.) is not authorized by a single disciplinary hearing. Termination of disciplinary segregation automatically terminates special diet.

(3) Prisoners in disciplinary segregation shall be permitted to receive mail and write letters, and at the discretion of the brig officer or commanding officer, to receive personal visitors, unless the offense was directly connected with such a privilege. Official visits shall be permitted at the brig.

(4) Meals will be served in the cells.

(5) A 1-hour exercise period shall be granted daily when the prisoner's behavior is satisfactory. Shower privileges will also be granted if the prisoner's behavior is satisfactory. At a minimum, prisoners will be allowed to shower every other day.

(6) Disciplinary segregation should not be ordered for a fixed period of time and should be terminated by the brig officer as soon as the prisoner demonstrates that segregation has served its purpose. The duration of confinement in disciplinary segregation shall be determined by, and take into account, any improvement in the prisoner's conduct and attitude. Under no circumstances will a prisoner in disciplinary segregation be precluded from corresponding or consulting with counsel.

(7) The brig officer or other designated officer and a member of the medical staff shall visit each prisoner in disciplinary segregation daily, log such visits, and recommend a change in status to the commanding officer when it is considered that segregation has served its purpose. On weekends and holidays this visit may be made by the command duty officer or a staff member designated by the brig officer.

(8) A DD 509 will be maintained adjacent to each prisoner's cell in disciplinary segregation.

(9) Prisoners released from disciplinary segregation will normally be placed in medium-in custody.

f. The preceding articles are specific as to those punishments a prisoner may receive and by whom they may be administered. Adding to or making adjustments of legally administered punishment is prohibited.

SECTION 2. GENERAL REQUIREMENTS

5201. PERSONAL APPEARANCE

1. Prisoners shall be clean, neat, and well-groomed.

2. Except for a badge to differentiate between custody classification and legal status, prisoners shall wear their service uniforms in the manner prescribed or, when directed service wide, wear authorized prisoner uniforms. Post-trial prisoners in Navy brigs will not wear rank insignia while confined and rank insignia will not be worn by any personnel confined in Marine Corps brigs.

5202. GROOMING STANDARDS. Prisoners shall wear their hair in accordance with 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 (U.S. Navy Uniform Regulations, 1991).

CHAPTER 6

CORRECTIONAL PROGRAMMING

SECTION 1. PROGRAMMING POLICIES

6101. GOALS OF THE CORRECTIONAL PROGRAMS. The goals of naval correctional programs are:

1. To restore the 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. The correctional program, ideally, will emulate a well run shipboard 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 to the unit leader the authority to carry out certain assigned functions. This management style, involving all brig 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. The individual's rights as stated in Title 5, United States Code, Section 552a are to be protected. A Privacy Act Statement shall be completed on new prisoners as they enter the reception phase and will be filed in their prisoner records. Reference (n) will be followed and information maintained on the prisoner shall conform with the requirements set forth in PA Systems Notice NO1640-1 (appendix B).

3. A prisoner shall attend all programs which are part of the 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. The Chief of Naval Personnel (Pers-84) and the Commandant of the Marine Corps (Code MHC) shall establish minimum levels of acceptable programs for each of their facilities. Commands operating confinement facilities shall establish and conduct, or

maintain the capacity for conducting, the minimum acceptable programs for 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. Required Navy programs are also specified by the Chief of Naval Personnel (Pers-84) in separately issued brig and correctional custody training manuals.

2. The Chief of Naval Personnel (Pers-84) and the Commandant of the Marine Corps (Code MHC) shall monitor the existence and performance of these minimum programs and, at least every 3 years, assign program adequacy classifications following on-site review and technical assistance visits by a corrections specialist (Pers-84) or a Marine Corps corrections officer from Headquarters, U.S. Marine Corps, respectively. 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 brigs shall conduct a reception program. As a minimum, the program shall cover the subjects in paragraph 4 below. The spirit in which it is carried out can determine the 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, the Initial Contact Sheet (NAVPERS 1640/19).

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. The attitude they adopt depends largely on the attitude of staff. Prisoners shall be told exactly what is expected of them and the privileges they may earn including

factual information about their status. The program shall include interviews with staff members, initial evaluation and custody classification, and instruction in local regulations. During reception new prisoners should be quartered apart from the general population.

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 do not require such rights. Efforts should 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. The 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
The restoration program
Installation custody opportunities

5. Military and motivational training should be started during this phase, to include military courtesies, moral guidance, personal adjustment, and citizenship training.

6. The reception lectures, times, subjects, and lesson plans will be documented in accordance with the local plan of the day.

6202. INITIAL CLASSIFICATION

1. An initial custody classification of medium-in will be assigned except when maximum custody is required due to special circumstances. Navy brigs will also be guided by the objective classification program.

2. Upon completion of the reception process, the brig officer may assign an interim custody classification pending the next meeting of the Classification and Assignment Board.

3. Initial processing in Navy brigs will also include assessment of all prisoners under the AIMS (see article 4202.7).

SECTION 3. PROGRAMS

6301. DEFINITION AND POLICY

1. Definition. The brig program is the aggregate of all resources used to encourage constructive change in the prisoners.

2. Policy. It is Department of the Navy policy that brigs provide a climate conducive to positive change, with programs tailored to the needs of the prisoners and the service, and a system which recognizes and rewards acceptable behavior while disciplining unacceptable behavior. The brig program recognizes the critical role of the staff members as role models of successful behavior.

6302. PROGRAM SCHEDULING

1. Most specialized programs should occur after prisoners' working hours. The working hours of counselors and program staff, both military and civilian, will coincide with this schedule.

2. The availability of resources may dictate that a few special programs be conducted during the normal workday, but such scheduling should be kept to a minimum in order not to reduce the required work hours.

3. The Classification and Assignment Board will select the program assignment on the basis of providing the most benefit for the prisoner and the service.

6303. FUNCTION OF THE CLASSIFICATION AND ASSIGNMENT BOARD (PROGRAMS)

1. A Classification and Assignment Board shall be established at each brig. The Classification and Assignment Board is responsible for establishing the individual prisoner's program upon completion of orientation. The board is concerned with custody, work assignment, special training, and other phases of corrections. The board should insure that each prisoner, working with a counselor or program developer, has begun to develop specific goals of both a short and long term nature. This board shall be composed, as a minimum, of the brig officer or designated representative, one senior staff member from security and one from programs, and any other members appointed by the brig officer. In larger brigs, Classification and Assignment Boards will be established at the unit level where the prisoner is berthed.

2. Where practical, representatives from outside the brig, including staff specialists such as the psychologist, chaplain, or personnel officer, may be appointed to the board. The board should meet at least once per week, or more often if necessary, to assist prisoners to develop programs and to review the programs of other prisoners to determine whether changes in programs, custody, etc., are indicated. Prisoners may appear before this board to discuss their program or changes thereto if considered necessary. The board's recommendations shall be recorded and signed by the brig officer as approving officer. When the circumstances indicate the necessity for immediate action, the brig officer may make changes in custody, classification, etc., without board action. The changes shall be a part of the agenda of the next Classification and Assignment Board meeting.

3. When prisoners complete the orientation phase, the Classification and Assignment Board should make an initial determination of their potential for honorable duty. Persons considered to have this potential should 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 should 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 Classification and Assignment Board does not order a prisoner into a specific correctional program, except for short periods of orientation for motivational purposes, it does authorize the assignment to a program based on the needs of the service, the prisoner's desires, and the counselor's recommendation. All individual program changes should be approved by the board and appropriate notations made in the prisoner's file.

6304. DISPOSITION BOARD

1. Duties. The Disposition Board evaluates prisoner progress and makes recommendations for restoration, clemency, parole, separation, or other action deemed necessary. The primary concern should be whether or not further confinement will benefit the service and the prisoner. If not, the board should recommend that the prisoner should either be returned to duty or discharged. In the case of Navy prisoners confined in Navy brigs, if the recommendation is for return to duty, the service member's commanding officer will assure that a service record entry is made to this effect, warning the individual that any future disciplinary involvement would result in administrative separation processing. Each parole applicant is entitled to a personal hearing before the board in accordance with article 508d of reference (e). In cases other than parole hearings the decision of whether to allow an appearance by a prisoner lies within the sole discretion of the board. Each prisoner need not appear unless it is considered to be of value to either the prisoner or the board, or to afford the prisoner the opportunity to defend him or herself against unfavorable information. The board may also recommend changes in custody, program, work assignment, or training. Reviews should be scheduled in a timely manner so that administrative separation processing, if required, will be completed while the individual is in confinement.

2. Membership. Formal appointments shall be established for the membership of the board, and for its meeting times. In smaller brigs the brig officer shall be the presiding officer and the presiding officer shall sign all recommendations. The remaining members of the board shall be, at a minimum, a member from Transient Personnel Unit (Navy), a chaplain, a mental health worker where available, and an officer or senior enlisted member from the military personnel office. In larger brigs the Disposition Board may be composed of senior officers, senior enlisted and senior civilians all from the staff. A minimum of three members must be present at each meeting. The junior member will act as the recorder. The commanding officer will indicate in writing concurrence or nonconcurrence with board's recommendation.

3. Clemency and Parole Recommendations. Clemency and parole recommendations will be forwarded to the appropriate military service Clemency and Parole Board in accordance with the appropriate military service clemency and parole regulation. Clemency requests for U.S. Coast Guard prisoners shall be forwarded to the Commandant (G-PS-2), U.S. Coast Guard. When a parole recommendation is based on limited observation, the board should indicate this in the progress report. A prisoner who has difficulty preparing a viable parole plan in less than 6 months may either submit an inadequate parole plan to the 6-month point or delay submission until he or she has a satisfactory parole plan. This is the prisoner's option and any delay shall not be extended so as to deny the Naval Clemency and Parole Board adequate time to hear the case prior to release or release planning.

4. Progress Report Submission. Progress reports will be submitted in accordance with the military services' current clemency and parole regulations. For Navy/Marine Corps/Coast Guard, reference (e); for Army, AR-190-4; and for Air Force, AFR-125-18.

6305. COUNSELOR AND PROGRAM DEVELOPER ROLE IN CORRECTIONAL PROGRAMMING

1. Counselors and Program Developers shall be aware of locally available programs and their potential for correction of a given individual. Counselors shall discuss these with the prisoners and recommend a program schedule that is tailored to the individual's immediate and long-range needs, goals, and plans.

2. A prisoner's progress will be monitored by the counselor through the use of individual counseling sessions and feedback provided by other personnel. This information will be used to make recommendations to appropriate boards in the unit or brig. Larger brigs should assign a staff person full time to monitoring prisoner's program progress.

6306. PROGRESS EVALUATION. A prisoner's progress can be measured effectively by the reporting procedures required by this instruction. Feedback from the academic instructor, the chaplain, the work supervisor, and others should be combined by the counselor or the performance supervisor and a total evaluation presented to the Classification and Assignment Board or the Disposition Board, as appropriate. In addition, the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) should establish a system to evaluate the correctional program. The evaluation should provide management information to ensure efficiency and effectiveness of the correctional process.

6307. INDIVIDUAL COUNSELING

1. Each prisoner will be assigned a counselor. This should be a senior enlisted person or trained civilian upon whom he or she 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 should occur at least weekly for an average of 20-60 minutes, depending on the prisoner's problems.

3. Brig officers should 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 the overall counseling responsibilities for the prisoners assigned to them but could concentrate both on in-depth counseling of personality problems and group counseling. This can be done with a unit management approach to operating the brig.

4. At a minimum, the following documentation will be used to record the results of individual counseling and will be filed in the prisoner's record:

a. Prisoner/Awardee Conduct Record (NAVPERS 1640/8);

b. Prisoner Admission Summary (DD 1476) (if required);

c. Prisoner Summary Continuation Sheet (DD 1478);

d. Prisoner/Awardee Evaluation Report (NAVPERS 1640/13) will be completed after the initial counseling session; and

e. Prisoner Summary Sheet (DD 1478) records the results of weekly counseling sessions.

5. In Navy brigs 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 brig officers, the programs officer, and during annual 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; or 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.

2. Groups shall meet once each week for a specified period of time, usually 1-2 hours. The constant turnover experienced by most brigs requires constant screening of new arrivals to ensure that the group size maintains a workable level and that 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) should 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 and/or discussion leader.

4. Group counseling sessions will be documented and the results of group counseling shall be recorded on the Prisoner Summary Continuation Sheet (DD 1478) and placed in the prisoner's file.

6309. WORK PROGRAMS

1. In order to increase the productive utilization of prisoner labor, local commanders will ensure that productive work is made available ashore and on board ship. Those units desiring prisoner working parties will submit their requests to the brig; work supervisors will ensure that the work to be performed is worthwhile and constructive. The brig may require that the requesting unit provide trained escorts and transportation to and from the work sites. The brig will 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. The 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 the exclusive benefit of a private individual or private organization, including individual staff members of the brig.

c. Work that is inherently dangerous or hazardous to the prisoner, except in emergency situations.

d. Assignments that require the handling of, or access to, drugs, narcotics, intoxicants, uncrated explosives or weapons, money, security equipment, classified material, keys or personnel records.

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 the assignment is outside the facility, supervision shall be furnished as required for the highest custody classification represented (normally medium/out).

6310. ACADEMIC EDUCATION PROGRAM. An academic education program will be made available to all prisoners in brigs that routinely hold prisoners in excess of three months.

6311. RESTORATION PROGRAM. All prisoners who are recommended/scheduled for return to duty shall attend a restoration program at the times indicated. Brigs/CCU's should function as a restoration program throughout all evolutions, excepting only a short pre-release program for the few prisoners retained who will be discharged. The program should be of 1 week's duration and

will be presented at least once per month, depending upon the number of prisoners released. Prisoners shall be scheduled for the training as close to their scheduled release date as possible. See article 6401.

6312. INCENTIVE PROGRAM. A system of incentives will be provided to encourage positive behavior. Incentives should recognize both group and individual attainment. Awarding of privileges for prisoners should be accomplished on a stringent and selective basis. The ultimate goals are to build self-discipline in the individual and improve the functioning of the brig.

1. Incentive awards will be firmly grounded in the philosophy that prisoners will clearly earn every privilege they receive above the minimum requirements of this instruction. The absence of an incentive program is preferable to a badly 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 status. 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 spot evaluations, 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.

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 spot evaluations for group members, etc.

5. Authority to suspend incentives for an individual for a period not to exceed one watch of that supervisor may be delegated to a quarters supervisor in navy brigs. Each instance will be documented and forwarded to the department head or brig officer no later than the next normal work day. Loss of incentive(s) for other than one watch rotation will be determined by the Classification and Assignment Board, Unit Board, or Disciplinary and Adjustment 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 must be used) in long-term brigs; and

g. Extra recreation time.

7. Incentives will not include job assignments or custody changes.

6313. SURVIVAL SKILLS

1. The main goals of this program are to teach coping skills that will enable prisoners to function within military or civilian society. The 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; and

f. Positive use of free time.

6314. RECREATION

1. Prisoners should 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 brig and 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.

6315. PHYSICAL TRAINING. A physical training program will be developed in conformance with service standards. Command facilities may be utilized. Physical training should be conducted on a daily basis and shall be led by a staff member or members. Enclosure (1) to OPNAVINST 6110.1D (NOTAL) contains a basic exercise program recommended for Navy personnel.

6316. RELIGIOUS PROGRAM

1. Chaplain. The 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 both prisoners as well as community resource persons may be used in the religious program. Unit chaplains should be encouraged to visit prisoners from their organizations and to participate in the facility's program. The pastoral relationships established will be of special benefit when prisoners are restored to duty. The 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 brig staff and the chaplain should be developed.

2. Religious Practices

a. Prisoners will be neither coered into nor rewarded for the practice of religion. Questions regarding religious practices shall be referred to the chaplain for his or her recommendations. After consultation with the chaplain and a staff judge advocate, the brig officer will approve such religious practices requests unless the following two-part test is met:

(1) a requested religious practice interferes with the security or good order of the brig, or with some other compelling governmental interest; and

(2) restrictions or denial of the prisoner's practice of religion is the least restrictive means available to ensure the achievement of such compelling governmental interest.

b. Requests for special religious practices or privileges will be presented on a Request for Interview (DD 510). The response to the request will be recorded on the chit indicating the date and time, and if denied, the reasons therefor. 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 the size and capability of the facility and the legal status of the prisoners. Some areas of testing are indicated below and should 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 the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC).

6319. STUDY RELEASE PROGRAM. This program requires special authorization of the Chief of Naval Personnel or Commandant of the Marine Corps.

6320. UTILIZATION OF LOCAL RESOURCES. Mutually supportive arrangements with the local military and civilian communities should be established and maintained. A well rounded correctional 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

1. In addition to a specialized counseling program tailored to the needs of personnel returning to duty, a General Military Subjects Training Program shall be provided. The training program will differ slightly between Marine and Navy facilities but the below listed subjects are common to both services and shall be included.

a. Military discipline and courtesy.

b. History and tradition.

c. Use of chain of command.

d. Rate training/MOS/MCI study.

e. Close order drill.

f. Personnel inspections.

g. Uniform Code of Military Justice (UCMJ).

h. Grooming standards; proper wearing of uniform.

i. Physical conditioning.

j. Career counseling.

k. Veteran's benefits.

l. Training films.

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 brig, few problems

or questions should remain. The pre-release phase is an opportunity to prepare the prisoner for final release to the command or community. Final details affecting release, i.e., transportation, uniform, gear, finances, and orders should be effected and explained at this time. 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 brigs 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. The program shall be presented by the training supervisor or correctional counselor with the assistance of the dorm 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 should be conducted in small groups of 10-15 prisoners.

1. Individual local schedules may vary from this cycle with the approval of the major claimant with documentation forwarded to the Chief of Naval Personnel (Pers-84).

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 and as a deterrent to other individuals. The sentence to confinement expresses the retribution demanded by the society that the individual offended and removes offenders from society for a specified period. The confinement period should be oriented towards the 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 in accordance with article 7102.2a of this manual.

b. Detention. A service member may be detained pending the 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 that temporary confinement is needed for public safety or the well-being of the service member. See article 2101.3 for the 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 or a punitive discharge.

d. Bread and Water/Diminished Rations. Confinement on bread and water/diminished rations may be imposed as punishment upon personnel in pay grade E-3 or below, attached to or embarked in a vessel.

2. Constraints. The 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 when deemed necessary to ensure the presence of the accused for trial, or upon a showing that there exists a danger that, unless pretrial confinement is imposed, the accused is likely to engage in serious misconduct. Refer to RCM 305 of

reference (c). This includes intimidation of witnesses or other obstruction of justice, seriously injuring others, or other offenses which pose a serious threat to the safety of the community or to the effectiveness, morale, discipline, readiness, or safety of the command, or the national security of the United States. Such confinement shall be based on probable cause and only when lesser degrees of restraint will not suffice. Normally, when pretrial restraint is deemed necessary, moral rather than physical restraint should be considered before any decision is made to use pretrial confinement.

b. Initial Reviewing Officer Notification. Brig officers shall notify the initial review 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 either be placed in pretrial confinement or released, even though the maximum time permitted for detention has not expired.

d. Probationers may be confined prior to vacation of a suspended sentence which includes confinement or punitive discharge, when there is probable cause or reasonable ground to believe that the service member 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 in accordance with 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 7104.7.

h. Acceptance of Prisoner. No member of the staff of a brig shall refuse to receive or keep any prisoner committed to his or her charge by a commissioned officer of the armed forces, when the committing officer furnishes a statement, signed by him or her, of the offense charged against the prisoner (article 11(a) of the UCMJ) and appropriate medical personnel have certified in writing on the Confinement Order (NAVPERS 1640/4) that the person is physically fit for confinement (see article 7205).

"Safekeeping" and "protective custody" are not legal reasons for confinement.

i. Punishments. Per article 13 of the UCMJ, no person, 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 him or her be any more rigorous than the circumstances require. An individual, however, may be subject to minor punishment during such a period for infractions of discipline. The 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 reconfined. A parolee who is not confined during a suspension of parole is not entitled to confinement credit for the period of the suspension; however, the Navy Clemency and Parole Board may authorize full or partial credit retroactively when it either revokes parole or rescinds the suspension and reinstates parole.

(2) By Revocation. The Navy Clemency and Parole Board may revoke parole if the 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 the request of the parolee, the Navy Clemency and Parole Board may defer executing the revocation for a period of time normally not exceeding one year. If, during the period of this deferment, the parolee commits any further violations of a condition of parole, the Navy Clemency and Parole Board may cancel the deferment, execute the revocation, and reconfine the parolee upon notice to the parolee and without further proceedings. Parolees who have not been reconfined 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 the naval brig from which paroled.

7103. CATEGORIES OF PRISONERS

1. Legal Status Categories

a. Detainees. A detainee is a person subject to the UCMJ, who has been legally ordered into confinement and who is accused of violating the UCMJ and is awaiting trial or rehearing. This includes those persons who are pending the vacation of a suspended sentence which includes confinement and/or punitive discharge. There is a clear requirement for differentiation in

programs, primarily in work areas, for sentenced and unsentenced prisoners (United States v. Nelson, 18 U.S.C.M.A. 177, 39 C.M.R. 177 (1969); article 13 of the UCMJ; and RCM 304(f) of reference (c)). Detained personnel in a brig shall be referred to as detainees. As used in this manual, the word "prisoner" includes detainees unless otherwise specified.

b. Transient Prisoners. A person who is held in confinement pending disposition instructions from another command, awaiting transportation to a designated confinement facility, or return to parent unit.

c. Prisoners. Persons tried by court-martial and ordered into confinement are prisoners whether or not the sentence has been ordered into execution.

2. Special Categories

a. Bread and Water or Diminished Rations for Prisoners

(1) These punishments are authorized by article 15 of the UCMJ, 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 bread and water, or diminished rations, shall not be imposed for more than 3 consecutive days.

(2) The ration furnished a person undergoing confinement on bread and water (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 diminished rations (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 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 bread and water 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) In the situation where a court-martial orders both confinement and bread and water or diminished rations, the punishment of B&W/DIMRATS does not begin until ordered executed by the Convening Authority (CA). A pre-confinement medical examination shall be obtained before all B&W/DIMRATS punishment, regardless of whether the punishment is a new admission, a continuation of confinement, or a readmission of a person previously released from confinement. No good conduct time is allowed for B&W/DIMRATS punishment. In accordance with RCM 1003(b)(9) of reference (c), confinement on B&W/DIMRATS for 1 day shall be treated as the equivalent of confinement for 2 days, if adjudged in the same sentence with confinement.

b. Officer Prisoners

(1) Officer prisoners include midshipmen, cadets and officer candidates. Preferably, officers should be placed in arrest in quarters, or another suitable place apart from the brig. Where local confinement facilities are inadequate, a request for designation of a place of confinement shall be forwarded to the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC). When a sentence to dismissal has been executed, the individual may be confined with, and otherwise handled as, an enlisted prisoner. A report of all officer confinements shall be submitted immediately to the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC). In all cases, a telephone report shall be paralleled by message. In the case of pretrial confinement of officers, only the fact that an officer of a certain pay grade (e.g.,0-3/0-4) has been confined and a summary of the offenses alleged shall be reported by message. A telephone report will advise name, social security number, etc.

(2) Officer prisoners/detainees will be treated the same as enlisted detainees or prisoners with the following exceptions.

(a) Officers will be berthed separately from enlisted personnel until an approved sentence to dismissal has been executed, at which time they will be berthed with the general population according to their custody classification.

(b) Officers may utilize brig support services areas (e.g., mess decks, library, small stores, etc.) as long as separation from enlisted prisoners and detainees is maintained.

(c) Officers will be required to participate in those phases of the correctional orientation or treatment program determined by the commanding officer or officer in charge to be necessary to assure their control, custody, employment, training

health, and welfare. When participation is required, it shall be conducted separately from enlisted personnel except in the case of officers whose sentence of dismissal has been executed.

(d) Disciplinary measures allowed are the same; however, they will be determined by the commanding officer directly; a Discipline and Adjustment Board recommendation is not required.

(3) The following specifics apply to all officers in confinement.

(a) They will not exercise any command or supervisory authority over confinement facility personnel while confined.

(b) They will comply with the rules and regulation of the confinement facility to the same extent as any other detainee or prisoner. They will follow orders of all staff members, regardless of rank.

(c) They are not rendered a salute, not addressed by their rank, do not wear the insignia of their rank, 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.

(d) When they are transferred from one confinement facility to another, the senior escort will be an officer of equal of higher rank. In cases of emergency, they may be escorted by qualified escorts of any rank.

(e) They are escorted by qualified escorts of any rank when involved in the normal movements carried on by the brig. (e.g., sick call, legal matters, work parties, etc.)

c. Female Detainees/Prisoners. Brigs will not be used to confine female service members unless specifically approved and certified by the Chief of Naval Personnel (Pers-84) or as prescribed in reference (i). 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 the Commandant of the Marine Corps (Code MHC). 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 service members in naval facilities may be effected when:

(1) There are no service members of the opposite sex confined in the same space at the same time.

(2) Ashore brigs ensure total visual and acoustic separation of males and females confined. Afloat brigs will 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 the use of privacy screens/ partitions for each head area/facility, shower, etc.

(3) Trained and qualified female staff members are utilized; and

(4) Confinement criteria as directed by this manual are met.

d. Pregnant Prisoners

(1) The care and management of pregnant prisoners confined to a brig shall conform to the requirements of SECNAVINST 1000.10, OPNAVINST 6000.1A (NOTAL), and MCO 5000.12C (NOTAL). Pregnancy does not preclude confinement in a brig as long as appropriate prenatal care is provided and there is a medical treatment facility near the brig which can provide for labor, delivery, and management of obstetric emergencies.

(2) Options available in dealing with pregnant prisoners include:

(a) If the pregnancy of a prisoner presents special or unique situations, it should be noted that the prisoner may request deferment of the sentence to confinement in accordance with RCM 1101(c) of reference (c).

(b) Clemency may be authorized in accordance with reference (e) and article 74(a), Sections 0158 and 0159 of the Judge Advocate General's (JAG) Manual. Under article 6304, clemency in the form of sentence reduction would normally be recommended by the brig only when it is felt that 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 the services of a counselor, medical officer or a chaplain, brig personnel will not attempt to influence the prisoner's desires regarding abortion.

(4) Title 10, United States Code, Section 1093, prohibits the use of appropriated funds to perform abortions <u>except</u> where the life of the mother would be endangered if the fetus were carried to full term. Current guidance is contained in SECNAVINST 6300.4, BUMEDINST 6300.9, and BUMED message 131001Z Feb 93 (Policy regarding prepaid abortions in military treatment facilities)(NOTAL). Guidance on availability of abortions in military treatment facilities is undergoing review, may be revised in the near future, and should therefore, when consulted, be reviewed for currency.

(5) If a prisoner desires to seek an abortion, she must submit a written request. Except in instances where the life of the prisoner would be endangered if the fetus were to go to term, the abortion must be funded by the prisoner and, unless available in a military treatment facility, be arranged through a civilian facility. Indications for such an abortion will be subject to local law and regulation. Brig 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. Following an abortion at a civilian facility, the prisoner will be examined by a military or Government-employed or contracted physician to determine the need for additional treatment and follow-up care.

(6) 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 should be made prior to the seventh month of pregnancy. It is the responsibility of the expecting mother to decide what care arrangements will be made for her child. Alternatives include placing the child with relatives, in a foster home, or for adoption. The brig will assist the mother in making arrangements with the Naval Legal Service Office and/or Family Service Center. Infants must be moved to the location of placement directly from the hospital. The granting of leave for a prisoner to take her child for placement may be considered; however, if not granted, the person designated to provide temporary care should come to the hospital to receive the child. All expenses involved in the placement of the child will be borne by the individual and not provided by the Navy.

(7) Following either abortion or delivery, a period of reduced activity is normal. For an uncomplicated abortion, the period of reduced activity would be approximately 72 hours. Following uncomplicated delivery, the normal period of reduced activity is approximately 6 weeks. 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 submitted to the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) as appropriate, in the following format:

(1) Name;

(2) Rate or grade;

(3) SSN;

(4) Sex;

(5) Command ordering confinement;

(6) Offense(s) charged or convicted - include specification(s);

(7) Date confined;

(8) Where confined;

(9) Sentence - include discharge, if any;

(10) Anticipated release date from confinement or from military control (including administrative discharge, if appropriate);

(11) Point of contact and telephone number; and

(12) Remarks.

f. Civilian Prisoners Subject to the UCMJ. Civilians confined under provisions of the UCMJ are subject to the same rules and regulations, and will be accorded the same treatment as military prisoners. Civilian prisoners shall not be required to wear any military uniform or engage in any military or physical training or acts of protocol other than normal civility. They must observe the regulations governing behavior and security control of prisoners. Participation in rehabilitative programs

is permitted. Civilian prisoners may be assigned appropriate work and may draw health and comfort items if they are without funds or income. A report of the circumstances of all civilian confinement will be immediately submitted to Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC). The name and SSN of pretrial detainees will be omitted and reported via telephone.

g. Confinement Under Status of Forces Agreement. U.S. military personnel in overseas areas may be confined in naval brigs or specially approved detention facilities if being investigated for, or charged with, offenses against the laws of the host country and the Status of Forces Agreement (SOFA) with the host country requires that the United States ensure the presence of the offender at the trial. The Confinement Order (NAVPERS 1640/4) shall show in the "Remarks" section: "Confined to ensure presence at the _____ court in accordance with the SOFA agreement between the United States and _____ (Host Country)."

h. Foreign Military Personnel

(1) Confinement of foreign military personnel in naval brigs is normally precluded by Title 22, United States Code, Section 706 unless the President makes a declaration that the confinement of members of a given friendly foreign force is necessary for the maintenance of discipline. Contact the International Law Division, Office of Judge Advocate General, DSN 227-9161, commercial (703) 697-9161, for guidance in particular cases.

(2) Use of naval brigs in instances other than as outlined above will be for short term detention only and will be approved on a case by case basis. Requests for such approval will be forwarded to the Judge Advocate General, International Law Division with information copies to the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC).

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 a place of confinement in accordance with the criteria of this chapter and on the basis of time remaining to be served on the approved sentence, without credit for good time. Designation shall be made in accordance with the type and length of sentence rendered. The Chief of Naval Personnel or Commandant

of the Marine Corps (Code MHC), as appropriate, will issue specific instructions for designation of places of confinement.

a. Convening authorities and station commanding officers operating brigs may request redesignation from the major claimant of the place of confinement for an individual when any of the following conditions prevail:

(1) The prisoner has previously escaped or attempted escape from the facility, and adequate security to prevent repetition does not exist at that command.

(2) The prisoner has been involved in a serious disorder or act of violence.

(3) The prisoner's behavior is such that he or she constitutes a serious custodial problem, or seriously disrupts the brig program or operation, and the brig does not have adequate segregation capabilities.

(4) The prisoner is a relative or close friend of any facility staff member.

(5) The prisoner is a former staff member of the facility.

b. The convening authority should consider the above factors when designating a place of confinement. Transfers for the above reasons shall be submitted through the major claimant and will be authorized by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC). Prior concurrence of the convening authority should be obtained if the request for transfer is prior to his or her actions.

2. Pretrial. Prisoners in pretrial status should be confined in the nearest or most convenient brig.

3. Ships. Shipboard brigs may be designated as the place of confinement for Navy and Marine Corps personnel with sentences to confinement of 30 days or less. When these personnel 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 brig 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

RCM 1113 of reference (c). The report required in such case is described in article 7103.2e.

b. The facilities shall normally be the same used by the U.S. Marshals Service for housing federal prisoners of the same legal status, age, and sex. (Usually a federal metropolitan correctional center or jail under contract to the U.S. Marshals Service.) Commanding officers 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 the Commandant of the Marine Corps (Code MHC) (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 the types and quantities of personal effects and clothing the institution permits. Ensure they accompany the individual upon confinement and are resupplied as necessary.

(3) Ensure that independent review officer hearings are conducted and the individual's defense counsel makes visits to the facility, as needed, to provide assistance to the individual. Command visits will be accomplished at least once weekly. (See article 7208). 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.

6. Use of Other Military Confinement Facilities

a. Joint usage of military confinement facilities will be conducted in accordance with 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 in accordance with section 2 of this chapter.

c. Prior to any brig entering into an agreement with another service for joint usage of a facility, two copies of any proposed draft agreement shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps (Code MHC) 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.

7. 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 the UCMJ. The following conditions shall be met:

(1) The senior officer present must approve such facilities based upon the 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 in accordance with article 7103.2e of this instruction.

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 BRIGS BY CIVILIAN JURISDICTIONS

1. Policy. It is Department of Defense policy not to confine civilian personnel, not subject to the UCMJ, in naval brigs. Exceptions may be granted only by the Secretary of Defense or designee.

2. Procedure. Requests by federal, state or local law enforcement agencies to use a Naval brig or detention facility to confine a civilian should 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 the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC), who will coordinate with the Secretary of the Navy. 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 the 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. The prisoner should 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 commanding officer.

e. If there is an attempt to breach security, and if it becomes imperative for the personnel guarding the prisoner to have their weapons to protect the prisoner's life, the weapons will be returned and they may be taken into the cell block. If this situation arises, the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) 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; and

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. A commissioned officer, warrant officer, midshipmen/cadet, or a civilian may be ordered into arrest or confinement only by a commanding officer exercising command authority over him or her. This authority may not be delegated (RCM 304(b) of reference (c)). Orders to confine may be written or oral and may be delivered in person or by another commissioned officer.

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 the UCMJ. Commanding officers 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 (RCM 304(b) of reference (c)). However, this authority is normally restricted to commissioned officers.

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 commanding officer by the most expeditious means requesting confirmation of the status of the member and the disposition to be made in the case. The record of the call or message will be held in a pending status until a responsive answer is received and acted upon. A tracer shall be dispatched if no answer is received within 24 hours and an information copy of the tracer shall be forwarded to the appropriate higher authorities listed below:

a. Chief of Naval Personnel

b. Commandant of the Marine Corps (Code MHC)

c. Deputy Chief of Staff for Personnel, USA

d. Military Personnel Center, USAF, Randolph AFB, Texas

e. Commandant of the Coast Guard

4. Civilians. Civilians confined under provisions of the UCMJ may be confined only under the conditions described in article 7103. Confining civilians being detained for, or convicted of, offenses against civilian criminal codes is generally precluded by Title 18, United States Code, Section 1385, but exceptions are possible under conditions and procedure prescribed in article 7105.

5. Status of Forces Agreement. Naval service personnel may be held in brigs pending action by a foreign civil court under the conditions prescribed in article 7103.2g.

6. Foreign military personnel may be confined in naval brigs only under the conditions prescribed in article 7103.2h.

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 should be notified. In unusual cases, any commander to whose authority the prisoner is subject may be notified.

2. Advice to the Accused. If done by a member of the brig staff, shall consist of the following:

a. The nature of the offenses for which held (article of the UCMJ and a brief explanation).

b. The right to remain silent and a warning that any statement he or she makes can be used against him or her in disciplinary proceedings.

c. The right to counsel.

d. The procedures by which pretrial confinement will be reviewed. (Recommend this portion be prepared for the brig by local legal officers. Further recommend that a, b, c, and d be typed on 5x8 cards to be read by the brig staff to the prisoner(s)).

e. Notification and acknowledgement of the requirements contained in articles 7202.2.a, b, c, and d will be accomplished using the format contained in appendix A-118, and shall be signed by the person being placed in pretrial detention and the staff member explaining the above provisions. This notification and acknowledgement shall then be made a permanent part of the detainee's brig record. Notification will be completed at the time of confinement.

3. Inform Parent Command. If the person is confined by other than that person's commanding officer (i.e., a straggler returned to the ship's homeport when the ship is deployed), the brig should have a standard message format prepared for informing the person's parent command of pretrial confinement.

7203. CONFINEMENT ORDER. A properly completed confinement order (NAVPERS 1640/4) with details of offense(s) and medical certification of fitness for confinement must accompany the offender to the brig at the time of confinement, except in an emergency. Other services may present a DD 497. If used, it must be accompanied with a medical certification of fitness for confinement. Details on proper completion of the confinement order may be found in article 8109. If the confinement results from a sentence adjudged by a court-martial, the confinement order will be accompanied by a report of trial signed by the summary court-martial, or by the trial counsel of the special or general court-martial, that imposed the punishment.

7204. RECORDS

1. The following individual records shall accompany all offenders to the brig 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 agreement information.

2. Service records and pay records for Navy personnel only

a. Shall be transferred in accordance with article 1850300 of reference (o). Those being confined to serve the nonjudicial punishment of confinement on B&W or DIMRATS. Commands should provide to the brig at the time of confinement a machine copy of any portion of the record required for their review process.

b. Marine Corps prisoners serving a sentence to confinement and who are transferred by service record to the command responsible for the brig in which the prisoner is confined. (See article 7402).

7205. MEDICAL EXAMINATION/INITIAL EXAMINATION

1. Initial Examination. Before acceptance of persons for confinement, they shall be examined by qualified medical personnel to determine fitness for confinement to identify any medical problems, and to provide recommendations to the brig regarding appropriate medical care. The 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. Medical screening for brig confinement may be performed by a hospital corpsman after regular working hours when a qualified medical examiner is not available. The brig medical officer or other medical officer designated to supervise medical services for the brig shall designate those hospital corpsmen qualified to perform this interim medical screening. The prisoner will be examined by a qualified medical examiner within 24 hours after confinement. A sentence to confinement on B&W/DIMRATS may be executed only if a medical officer examines the accused and the place of confinement 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 accused. The prisoner should be examined at a MTF whenever possible. When examined at the place of confinement, the medical examiner will be provided an appropriate space and facilities to conduct a competent physical examination.

b. A pre-confinement medical examination indicating fitness for confinement must be certified by the medical examiner on the confinement order. Physical limitations to full duty performance should be so specified in writing by the examiner. The examining official shall note on the original form the presence of cuts, bruises, or unusual marks. Females will be given a pregnancy test and the results noted on the confinement order. Persons ordered into confinement displaying irrational or inappropriate behavior which is symptomatic of mental disturbance or of the effects of hallucinatory substances, shall be referred to a physician who will determine the requirement for hospitalization. The provisions of NAVMEDCOMINST 6520.1A (NOTAL) will be followed when dealing with prisoners with suspected suicidal ideations or behavior. Also refer to article 4205.4.

2. Recertification. Recertification 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 brigs 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 recertification of fitness for confinement at the time of confinement.

3. Refusal To Take Confinement Physical. If a service member refuses to allow authorized medical personnel to perform the initial or recertification physical examination:

a. The 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. The individual's refusal and the determination of fitness via observation and records shall be noted on the Confinement Order.

c. If medical personnel cannot make the determination of fitness, the individual will be accepted into confinement and rescheduled for the physical exam when brig staff feel it may be successful.

(1) A notation will be made on the Confinement Order that the individual refused the confinement physical and that a physical will be rescheduled when brig staff anticipate it will be successful.

(2) A notation, similar to article 7205.2(b), will also be made stating the reason why a determination could not be made.

(3) The prisoner will be retained in Medical Segregation or Administrative Segregation, as appropriate, pending successful completion of the examination and/or any disciplinary action as may be appropriate.

(4) The prisoner will not be allowed into the general population without a completed and proper medical examination, (e.g., not one based on records review and observation only, etc.).

(5) The prisoners will be quarantined in a medical facility if so ordered by the medical officer.

d. The prisoner may be charged under the UCMJ for failing to obey a lawful order by the medical officer.

7206. LOGISTICAL SUPPORT BY CONFINING COMMAND

1. Uniforms shall accompany the accused to the brig at the time of confinement, and will be provided in accordance with articles 8206 and 8213.

2. Health and comfort supplies sufficient to last for the period of confinement, or up to 1 month, will accompany the offender to the brig and will be provided by the command ordering confinement. (See articles 8207 and 8211 for details).

7207. INITIAL REVIEW

1. Directive. The determination of the need for continuation of pretrial confinement will be in accordance with RCM 305(h)(2) of reference (c). Unless the prisoner's commander was the officer who ordered the pretrial confinement under RCM 305(d) of reference (c), the prisoner's commander must complete review of the pretrial confinement under RCM 305(h) of reference (c) within 48 hours of confinement. United States v. Rexroat, 38 M.J. 292, (C.M.A. 1993).

2. Local Support. Initial reviews should normally be conducted at the brig. Brig officers will provide timely notification to the reviewing officer. The brig will provide an area for holding such reviews, and every effort will be made to provide an atmosphere and the necessary accouterments for a pre-trial review per RCM 305(i) of reference (c).

7208. COMMAND VISITS

1. Required. Although each prisoner is involved in the program established within the brig, there is a need to provide continuing contact, during confinement, between the prisoner 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. Commanding officers shall establish procedures for visiting at least weekly each detainee and each prisoner who will return to the parent command. This visit should be made by a representative of the parent command, (staff non-commissioned officer, chief petty officer or higher) from the prisoner's division with the authority to act in the commanding officer's behalf. When the offender's command is on extended deployment, the Immediate Superior In Command (ISIC) should provide command visits. It is improper to delegate command visit functions unless the confining command is at sea, or is a remotely situated activity. Echelon 2 commanders (major claimants) shall designate those commands or areas that are considered to be remotely situated from brigs for the purpose of command visits, and shall

also determine visit intervals. Chaplains will not serve as the commanding officer's representative to visit prisoners. The 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 brig. For prisoners who may return to duty, if the parent command provides a trained escort(s), certified by the brig, prisoners may be returned to their command for these visits.

SECTION 3. RELEASE

7301. TEMPORARY ABSENCE

1. Authorization. Temporary absence of prisoners from brigs for investigations, trial, work, and other proper purposes is authorized under custodial procedures when approved by the brig officer. Neither a Prisoner Release Order nor a Confinement Order is required for temporary absence and subsequent return. When the temporary absence is for purposes of trial, and the trial has concluded during such temporary absence, a report of results of trial, signed by the trial counsel of the special or general court-martial, or the summary court-martial before which trial was held, shall be required by the brig upon subsequent return of the prisoner. The Receipt of Prisoner or Detained Person, DD 629, is required when a member from another command takes or accepts the prisoner outside the security perimeter for any reason.

2. Procedures. To ease administrative procedures, limit temporary absences to normal working hours. The time of return of the prisoner to the brig should not extend past normal recall for work parties. If, however, it is necessary to detain the prisoner outside the brig past that time, the prisoner's escort shall call the brig's control center no later than 15 minutes prior to recall and request an extension, citing the reason(s) for delay. Overnight absences are necessary in some outlying areas and are acceptable, providing the brig officer has been notified beforehand and a completed DD 629 noting the overnight authorization is on file at the control center. When a prisoner is absent overnight, the brig officer will determine if a physical reexamination is required. If 24 hours has not elapsed, the brig is responsible for escorting or the support required to obtain the examination.

3. Investigative Services. Prisoners shall not be placed on temporary absence to perform investigative services for a

military or federal law enforcement agency unless authorized by 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. Receipt of prisoner or detained persons (DD 629) shall be used. The DD 629 shall indicate the prisoner's custody grade, offense, expected normal release date and whether the prisoner is considered a threat to himself/herself or to others. The brig shall provide any additional information that will assist the hospital in the treatment and supervision of the prisoner. A copy of the DD 629 shall be provided to the hospital. In the case of emergencies, a staff member from the brig shall remain with the prisoner until the DD 629 is prepared.

b. Prisoners undergoing psychiatric treatment shall remain in the hospital until well enough to return to the brig environment. The brig medical officer should be consulted and a medical care plan established prior to the prisoner's return.

c. Medium-out, minimum, or installation custody prisoners in need of hospitalization should be turned over to hospital security personnel for admission. The 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. The 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. The brig shall, as a minimum, provide a 24-hour watch of maximum/medium-in custody prisoners in need of hospitalization.

e. For maximum custody pretrial detainees, the parent command or the brig shall provide continuous guard of the detainee. The brig can provide training to parent unit personnel used as guards. For other pretrial detainees who are not under 24-hour supervision, upon return to the brig an independent review officer (IRO) review will be conducted to determine if continued confinement is necessary.

f. As soon as prisoners no longer require hospitalization, they shall be returned to the brig for completion of confinement,

p. Highest average of individual inspection scores;

utilizing the DD 629. Prisoners shall not be placed in medical holding companies or on convalescent leave. Prisoners who remain hospitalized upon completion of confinement shall be transferred "Temporary Duty (TEMDU) for Treatment" to the hospital on the scheduled release date.

2. Status. Hospitalization counts day-for-day as time in confinement.

7303. EMERGENCY LEAVE

1. Authority. Emergency leave may be granted to prisoners in accordance with reference (o) or MCO P1050.3F (NOTAL).

2. Procedures

a. Travel and incidental costs of prisoners shall be at no expense to the government. The use of space available government air transportation is authorized. Navy prisoners on emergency leave generally travel without escort, but, if required, the 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 the Commandant of the Marine Corps (Code MHC).

b. Periods of emergency leave shall be considered as time served in confinement and the leave will be charged against the prisoner's leave balance, if any, for the period of absence.

c. The visit should be short in duration, ordinarily 24 hours plus necessary travel time. This period may be lengthened at the discretion of the commanding officer.

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 (POC) for the brig will monitor the prisoner, as deemed necessary, while on emergency leave.

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 RCM 305 of reference (c), 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. The commanding officer of the brig or his or her 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 Prisoner Release Order (DD 367) shall be prepared to effect every final release from confinement. It shall show the prisoner's name, social security number, branch of service, organization, and specific reason for release, over the signature of the authorizing official. 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. The prisoner must be afforded intensive assistance in preparation for release during the later phase of the period to 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. The following guidelines are to be followed:

a. The last phase of confinement is essentially administrative; however, pre-release orientation should be included. The pre-release phase should 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.

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 3420280 of reference (o), BUPERSINST 1900.9 (NOTAL), and MCO P1050.3F (NOTAL).

e. Payment of a discharge gratuity and furnishing of civilian clothing to personnel being discharged shall be in accordance with article 3610320 of reference (o) or MCO P1900.16D (NOTAL).

f. Prisoners sentenced to confinement of 30 days or less (temporary additional duty (TAD)) shall be immediately returned to their parent command upon release.

g. Navy prisoners sentenced to 31 days' (TEMDU) confinement or more shall be transferred to the Transient Personnel Unit (TPU) or command operating the brig on a "confinement and further disposition basis". (See article 1850300 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 commanding officer shall make such personnel available to the Chief of Naval Personnel by message at least 3 weeks prior to the normal release date. Follow-up procedures shall be established by the brig to ensure that orders are available at the time of the individual's release, and the member shall proceed directly from the brig to assigned duty station.

4. Return of Personal Effects. When released from confinement and upon receipt of their personal effects, prisoners shall sign the statement, "I acknowledge the return of all my personal effects" at the bottom of the inventory form (NAVPERS 1640/17). The custodian shall then write or stamp, "Account closed on __(date)__" on the form.

5. Release Dates

a. The release date is the date confinement is completed. It 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, should be released during normal work hours. Departure from the station should be effected upon the day of release.

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. An individual serving a sentence to B&W or DIMRATS shall serve the entire portion imposed unless it is remitted or suspended. These persons will be released on Saturdays, Sundays, and holidays, as applicable. These individuals shall be released to a command representative on the third day.

d. No person shall be held in confinement beyond the normal release date, as defined above, to complete administrative disciplinary punishments, to await transportation, to complete a forfeiture of pay, or because of indebtedness to the government. Conditions placed in pre-trial agreements shall be as specified in article 9313.

SECTION 4. TRANSFER AND TRANSPORTATION OF PRISONERS

7401. TRANSFER REGULATIONS

1. Authorization.

a. Transfer of detained prisoners between brigs 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 accused is presently confined and there is a brig closer to this locale than the present place of confinement. The request for a transfer to accommodate a court-martial must originate with the parent command of the accused 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 the major claimants involved and the Chief of Naval Personnel (Pers-84).

b. Transfers will not ordinarily be made when legal or administrative action is pending against a prisoner.

c. Designation of a place of confinement constitutes authority to transfer a prisoner and to issue TAD orders to escorts.

2. Expenses

a. Accounting Data for Escorts. Funding for Navy escorts shall be in accordance with reference (s) 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 in accordance with 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 (NOTAL) and in accordance with reference (s) for Navy prisoners and reference (i) for Marine Corps prisoners.

3. Confinement enroute for Further Transfer. Returned absentees, deserters, and court-martial prisoners received in transit for further transfer to another brig 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 in accordance with service regulations.

7402. Coordination with Receiving Command. Transportation of prisoners between naval brigs will 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 in accordance with instructions provided by the Chief of Naval Personnel (Pers-84).

b. Transfer of Marine Corps prisoners between correctional facilities and from correctional facilities to the U.S. Disciplinary Barracks, Ft. Leavenworth, Kansas, will be coordinated by the Commandant of the Marine Corps (Code MHC).

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 should be confirmed at least 24 hours prior to shipment.

b. Unless the receiving brig concurs otherwise, prisoner turnovers are made at the receiving brig. The senior escort shall, and other escorts may, as required, remain with the prisoners until they are receipted for by the receiving brig.

c. The transferring brig shall utilize the DD 629 (Receipt for Prisoner or Detained Person) when transferring prisoners. All prisoners can be listed on one form, or one can be prepared for each individual. An original DD 629 and two copies will be prepared. One copy is retained by the transferring brig, and two copies accompany the shipment. A signed receipt is retained by the transferring brig, and the second signed copy is returned to the receiving brig. The original copy of each prisoner's confinement order(s) shall accompany his/her record. There is no necessity for a new physical examination unless the receiving brig has reason to believe it necessary in some individual cases. If the receiving brig desires a new physical, it will be that brig's responsibility to obtain the physical, provide the escorts and originate the paperwork necessary to obtain the physical.

d. The transferring brig will make a copy of the prisoner file to assist in inquiries received after transfer or in case the prisoner file is lost/destroyed in transit.

7403. TRANSFER FROM PARENT COMMAND. Article 1850300 of reference (o).

1. Navy prisoners whose adjudged sentence to confinement is 30 days or less (TAD) 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 (TEMDU) confinement shall be transferred to the command operating the brig on a "confinement and further disposition basis." The Chief of Naval Personnel 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 the U.S. Marshals Service will be coordinated by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC). Military air and vehicular transportation of maximum custody personnel is preferable to commercial air transportation.

a. General Provisions

(1) Maximum custody prisoners may not be mixed with medium or minimum custody prisoners.

(2) The 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. 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 the brig officer, non-commissioned officer in charge (NCOIC), or petty officer in charge before embarkation, on proper procedures and conduct aboard AMC aircraft.

(4) Prisoners who are in a patient status will normally be transferred by aeromedical evacuation, in accordance with their service's worldwide aeromedical evacuations requirements, AFR 164-5, AR 40-535, OPNAVINST 4630.9C, and MCO P4630.9A. Two escorts will normally accompany each maximum custody prisoner patient while in the aeromedical evacuation system.

(a) The aeromedical 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. The medical crew director is responsible for supervising the control of confined patients aboard aeromedical aircraft.

(b) Prisoners determined to be psychotic will normally be moved in a patient status. If aeromedical evacuation is not available, psychotic prisoners may be moved as a maximum 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. The 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. The escort will supply the prisoner with medication in accordance with 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. The officer or NCO in charge of the 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) The area approaching the flight deck or crew compartment will be declared off limits to prisoners. If configuration of the aircraft permits, a separate head should 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 maximum 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 hand cuffed to any portion of the aircraft.

b. Maximum Custody Requirements

(1) Two escorts will be furnished for each prisoner.

NOTE: In cases where more than one maximum 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. The following additional requirements apply.

(2) One chief petty officer, senior non-commissioned officer, or above, in charge for five to nine prisoners plus one additional escort.

(3) One officer or one CPO/SNCO in charge per 10 or more prisoners plus one additional escort.

(4) No more than two maximum custody prisoners are moved on a single flight.

(5) Maximum custody prisoners will be escorted at all times by two escorts when it is necessary for them to leave their seats.

(6) At a minimum, each prisoner will be hand-cuffed during flight operations. Additional restraints (leg, waist, and/or hand irons) may be used based on the assessment of the prisoner's escape risk or danger to themselves or others.

(7) 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. Medium Custody Requirements

(1) One escort per two prisoners. NOTE: 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 three prisoners plus one escort in charge. The following additional requirements apply.

(2) One E-6, or above, in charge per five to 14 prisoners, plus one additional escort.

(3) One officer or one CPO/SNCO in charge for 15 or more prisoners plus one additional escort.

(4) Medium prisoners will be escorted at all times when it is necessary for them to leave their seats.

(5) When the size of the group warrants additional restraints, restraints are authorized.

d. Minimum Custody Requirements

(1) One escort per five prisoners plus one escort in charge. The following additional factors should be considered.

(2) One E-6, or above, in charge should be provided per 10 or more prisoners plus one additional escort.

(3) Minimum custody prisoners do not require escort while moving about the aircraft; however, they will be monitored at all times.

(4) Minimum 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 the Department of Defense and the Department of Transportation, 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., the duty supervisor in charge of passenger service, the pending transfer of prisoners and the plans for complying with specific air carrier requirements. The 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 should not be used in those cases where the commanding officer 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) The senior escort will assure the air carrier that the escorted prisoner has been inspected, and that the escort has adequate restraining devices that can be used in the event the escorted prisoner needs to be restrained during flight.

(4) The escorts will request outside 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 the 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 maximum 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) Medium custody will require one escort per prisoner plus one escort in charge unless an exception is granted in writing by the commanding officer. No more than five medium 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. The 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 the security risk involved at each stop. If the size of the drafts warrant, a chartered bus has many advantages. Chartered buses should 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 should be used for short trips. A frequently-used bus or vehicle should be equipped with security screens for protection of escorts and driver. Buses should be equipped with a portable type toilet to eliminate comfort stops.

5. Prisoners from Overseas. Prisoners from overseas should be transported by naval vessel or military aircraft, if space is available, under the same escort requirements cited in article 7404.1. Qualified and trained escorts shall be assigned prisoners being returned to CONUS. Prisoners should be delivered to the command located at or near the port of entry that operates a naval brig 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 should 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 should provide a pool of escorts and formalize their training and each trip should 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, the brig officer should recommend that 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 should 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.

2. Outside Appointment Escorts. Escorts are required to escort prisoners to outside appointments and will be provided either as part of the brig staff or by the activity requesting prisoners for trial or administrative and legal appointments. The requesting activity should provide their own escorts, properly trained and qualified in accordance with article 7406. Prisoner escorts will not be required to carry nightsticks or other weapons.

3. Cross-country Escorts. Brig personnel (in Navy facilities) should 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 Unit.

4. Armed Escorts. The arming of escorts and use of instruments of restraint in the transfer of prisoners shall be avoided except in case of maximum custody prisoners whose escape has been determined as posing a threat to life, personal injury, or destruction of property. With the specific approval of the commanding officer, prisoners may be placed in restraint and under armed escort when it has been determined that 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 individual who will not, during the entire trip, come in direct contact with the prisoner. 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. Escorts aboard regularly scheduled airlines will be armed only for maximum risk prisoners and must comply with Federal Aviation Administration (FAA), military and airline regulations.

5. Ratio. Guard/prisoner ratio should be determined by the transferring command. The ratio should be based on the custody classification of the prisoner being transferred and the 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 that they have no contraband items. Items that 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. The officer or escort in charge should be present when prisoners are dressed out. No part of the body where contraband might be concealed is to be overlooked. The 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 should be furnished. Great care must be taken to ensure that 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 should be made for examination by a qualified medical officer as soon as possible. If the prisoner is unable to continue the trip, he or she should be taken in order of preference to the nearest military hospital, federal hospital, or civilian hospital and a receipt obtained for the prisoner. The 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 should die in transit notify the driver, conductor, or pilot immediately. The coroner, the Federal Bureau of Investigation (FBI), nearest available law enforcement agency, and naval authorities shall be notified as soon as possible. Notify the Chief of Naval Personnel (Pers-663) regarding the death of a Sailor and the Commandant of the Marine Corps (Code MHP-10) regarding the death of a Marine.

b. Escape. If a prisoner escapes while being transferred, the officer or escort in charge will exhaust resources immediately available in apprehending the prisoner, then take immediate action to contact the nearest law enforcement agency. Under no circumstances should 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 commanding officer of the brig at the point of origin.

7406. ESCORT TRAINING. Escorts from the brig staff will 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 prisoner Escort Identification Card (NAVPERS 1640/18) shall be issued upon completion of training. Annual recertification is required and certification may be revoked at the brig officer's discretion.

7407. TRANSFER OF LONG-TERM PRISONERS

1. Transfer to a Military Long-Term Confinement Facility

a. Consolidation of Corrections Within the Department of Defense. The Secretary of the Army has been designated as the Executive Agent for incarceration of DoD military long-term prisoners. In most cases the U. S. Disciplinary Barracks (USDB), Fort Leavenworth, Kansas, will be the designated place of confinement for those long-term prisoners who will remain under military control.

b. Criteria. Criteria concerning the transfer of long-term prisoners from naval custody will be issued by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC).

2. Transfer to the Federal Bureau of Prisons (FBOP). Transfer of prisoners to the FBOP will be on a case by case basis. In the event that special circumstances dictate a need for a special request, the following criteria apply.

a. Criteria. Prisoners who have a punitive discharge approved by the convening authority and who will have more than 1 year's confinement remaining after arrival at the institution, may be recommended for transfer to the Federal Prison System. The initial review by the Naval Clemency and Parole Board must have been completed within the first year of confinement.

b. Procedures. Requests for the transfer of a prisoner from a brig to a federal penal or correctional institution will be forwarded to the Chief of Naval Personnel (Pers-84) and the Commandant of the Marine Corps (Code MHC), as appropriate, for decision and coordination with the FBOP. The request, as a minimum, shall include two copies of:

(1) Naval Referral Abstract;

(2) Commitment information and sentence computation;

(3) Current Progress Summary Data (DD 1477);

(4) Admission Classification Summary (DD 1476);

(5) Court-martial order and two copies of any; supplementary court-martial orders

(6) Prisoner Assignment and Clemency Board Action (DD 1479);

(7) Results of Trial letter;

(8) Psychological evaluation; and

(9) The most recent progress report and a copy of the transfer order will be forwarded to the Naval Clemency and Parole Board.

c. Records. Transfer of records will be directed by the Chief of Naval Personnel (Pers-84) and the Commandant of the Marine Corps (Code MHC).

d. Personal Property. Personal property will not accompany prisoners while they are being transferred to the FBOP institutions. Personal property is limited to essential items only and will be mailed directly to the designated institution. these items should 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 the Federal Bureau of Prisons

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 commanding officer of a Consolidated/Marine Corps Brig determines

that a sentenced prisoner suffering from a mental disease or defect requires inpatient psychiatric care or treatment beyond what is available at the Consolidated/Marine Corps Brig or from the local medical command, the commanding officer will notify the prisoner in writing of his/her intention to seek transfer of the prisoner to the custody of the Attorney General for care and treatment in a suitable facility.

c. Action on Preliminary Determination

(1) Once a prisoner is provided the notice prescribed in article 7407.3b, the commanding officer of the Consolidated/ Marine Corps Brig will request that the area General Court-Martial Convening Authority (GCMA) convene a hearing to determine whether the prisoner should be transferred to the custody of the Attorney General for care and treatment in a suitable facility. The request will state the factual basis for the commanding officer's determination that the prisoner requires care or treatment beyond that available at the Consolidated/Marine Corps Brig 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) The GCMA may:

(a) disapprove the request for good cause; or

(b) approve the request and convene a hearing to determine whether the prisoner suffers from a mental disease or defect that requires inpatient psychiatric care or treatment beyond that available at the Consolidated/Marine Corps Brig.

(3) The convening authority's letter will be forwarded to the local Naval Legal Service Officer (NLSO)/Base Judge Advocate/Circuit Military Judge and will state that:

(a) The presiding official will be an officer designated, certified, and sworn as a military judge authorized to try general courts-martial.

(b) The prisoner will be represented by a judge advocate qualified, certified, and sworn to serve as trial or defense counsel at general courts-martial.

(c) The interests of the Government will be represented by a judge advocate designated by the NLSO/Base Judge Advocate.

(4) The 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) The local NLSO/Base Judge Advocate will detail:

(a) Counsel for the prisoner;

(b) Government counsel (if required); and

(c) Court Reporter.

d. Hearing Procedures

(1) The prisoner will be afforded the following rights in connection with the hearing:

(a) timely written notice of the hearing and of his or her procedural rights;

(b) a personal hearing before an impartial decision maker;

(c) opportunity to present testimony and documentary evidence;

(d) opportunity to confront and cross-examine Government witnesses; and

(e) written findings.

(2) At the hearing, the military judge will advise the prisoner or his personal representative or attorney, if the prisoner is unable to make a knowing and intelligent acknowledgement of his/her rights, that:

(a) The purpose of the proceeding is to determine whether the prisoner suffers from a mental disease or defect that requires inpatient psychiatric care or treatment beyond that available at the Consolidated/Marine Corps Brig.

(b) If the Government establishes by the preponderance of the evidence that the prisoner suffers from such a mental disease or defect, the prisoner may be transferred to the custody of the Attorney General for care and treatment in a suitable facility.

(c) The prisoner has the procedural rights enumerated in paragraph 3d(1)(a) through (e).

(3) Both the Government and the prisoner will then be afforded the opportunity to present evidence regarding the present mental condition of the prisoner and the necessity, or lack thereof, for transfer to the custody of the Attorney General for care and treatment. This is an administrative proceeding to which the Military 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 as set forth in JAGINST 5830.1, Procedures Applicable to Courts of Inquiry and Administrative Fact-Finding Bodies that Require a Hearing (NOTAL).

(4) The hearing officer, within his or her discretion, may direct further examination of the prisoner by a different psychiatrist or clinical psychologist.

(5) The 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 Consolidated/Marine Corps Brig. The 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 should 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. The 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 commanding officer of the Consolidated/Marine Corps Brig for retention in the prisoner's brig file. If transfer is approved, the record will be transmitted, via the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC) to the Attorney General.

f. If the prisoner is to be transferred to the Attorney General, the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC) will coordinate the transfer with the FBOP.

7408. TRANSFER OF PRISONER RECORDS, FUNDS AND VALUABLES, AND PERSONAL PROPERTY

1. Records

a. Required. When an individual is transferred from a ship's brig to a shore brig or vice versa or between shore brigs the following records shall accompany the individual:

(1) Completed service record with all appropriate and necessary service record pages included (Navy personnel only);

(2) Personal Financial Record (PFR) (Navy personnel only);

(3) Three certified copies of the court-martial orders;

(4) One copy of the charge sheet;

(5) One copy of the reviewing authority's action;

(6) One copy of the Results of Trial letter;

(7) One copy of the Prisoner Conduct Record (NAVPERS 1640/8);

(8) One copy of the Prisoner Evaluation Report (NAVPERS 1640/13) (required if sentence is 30 days or less);

(9) One copy of the Admission Classification Summary (DD 1476) (except for prisoners sentenced to 30 days or less confinement);

(10) Medical and dental records;

(11) Receipt for Prisoner or Detained Person (DD 629);

(12) The original Confinement Orders (NAVPERS 1640/4) with medical certification;

(13) Prisoner's current file; and

(14) The most recent progress report and a copy of the transfer order will be forwarded to the Naval Clemency and Parole Board.

Note: The transferring brig should retain copies of brig documents from prisoners' files for 2 years. See section 8115 for disposition of records.

b. Procedures. Prisoner records required by article 7408.1a shall be collected by the brig and delivered to the escort-in-charge of the prisoner prior to departure. Place all records inside the service record folder and seal in an envelope. Print the prisoners name, social security number, point of departure, and destination on the outside of the envelope. Record contents on a Records Transmittal Form (NAVPERS 5000/64) original and three copies. Distribute original to the receiving command, first copy to the escort-in-charge (receipted by the receiving command), second copy to the personnel officer at the point of departure, and the third copy to the brig (receipted by the escort-in-charge). All envelopes shall be placed in a suitable carrying container along with the original and first copy of the Records Transmittal Form, for delivery to the escort-in-charge.

c. Prisoner Adjunct Files for Confinement Facility Victim/Witness Assistance Program (VWAP). See the applicable portions of reference (p), OPNAVINST 5800.11 (NOTAL), and MCO 5800.15A (NOTAL) for the manner of safeguarding and forwarding a prisoner's adjunct file (containing documents associated with the Congressionally-mandated VWAP) upon transfer of the prisoner. These records, maintained by the Victim and Witness Coordinator, will be held separately from the brig record. It may be combined with the brig record prior to retirement of that record, however it is to placed in a sealed envelope with the notation "Not Releasable Without Permission of the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC).

2. Funds and Valuables. Funds and valuables of prisoners being transferred shall be inventoried by the brig custodian or assistant, certified by the prisoner's signature, and placed in a separate envelope along with a signed copy of the inventory. The 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. The outside of each envelope shall be identified with the name, social security number, point of departure, and destination, but shall not indicate the nature or identity of the contents. The receipting process for funds and valuables envelopes in transit shall be recorded on the Records Transmittal Form by making an "FV" or "None" entry following the prisoner's name.

3. Personal Property. Personal property of prisoners shall be inventoried on the Prisoner Inventory and Receipt Personal Effects and Uniform Clothing (NAVPERS 1640/17) and packed in a suitable container (suitcase, seabag, dufflebag, or box) and sealed with a copy of the inventory inside and the name, social security 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. The receipting for personal property shall be accomplished by memorandum in the same sequence and distribution prescribed for the Records Transmittal Form described above.

4. Receipts. The number of both records and funds and valuables envelopes accompanying the draft shall be indicated on the Records Transmittal Form. 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 program operation. SECNAVINST 5212.5C governs the 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 brig require certain records and reports in order to function properly. Copies of such records and reports may be maintained on an as needed basis at those locations with the original records kept in controlled administration files. Units requiring original copies of prisoner records, i.e., clothing inventory, etc., will ensure that all records are sent to the administrative office when a prisoner is released or when the record is no longer required.

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

8102. PRIVACY

1. Privacy Act. All personnel will be familiar with the provisions of the Privacy Act and Freedom of Information Act Program. SECNAVINST 5720.42E, reference (n), and appendix B refer. A Privacy Act statement is not required for every form which contains personal information, but is required if the information is being solicited from the individual. 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 the following records/reports: (1) Prisoner Personal History, (DD 498) (2) Initial Contact Sheet (NAVPERS 1640/19), and (3) FBI Fingerprint Card (FD-258). In addition to these, a Privacy Act statement must accompany a request for clemency or waiver of restoration. Requirements pertaining to the release of information is provided by SECNAVINST 5720.42E, appendix B, and references (n) and (p).

8103. PRISONER FILES AND RECORDS.

1. File Format. An individual file shall be maintained for each prisoner in the facility. Documents should be placed in the file as shown below:

Section 1.
- Confinement Order (NAVPERS 1640/4 or DD 497)
- Court-martial order
- One copy of the FBI Fingerprint Card (FD-258)
- Sentence Computation Sheet
- Report of Results of Trial
- Charge Sheet
- Pretrial Agreement Data
- Court-martial review actions
- * Release Order (DD 367)

Section 2.
- Initial Contact Sheet (NAVPERS 1640/19)
- Prisoner Evaluation Report (NAVPERS 1640/13)
- Mail and Visiting List (NAVPERS 1640/15)
- Request for Interview (DD 510)
- Waiver of Clemency Review (NAVSO 5815/4)
- Request for Restoration or Clemency (NAVSO 5815/2)
- Letters disapproving visitors/correspondence
- Prisoner Refusal to Accept Mail
- Personnel History Questionnaire (DD 498)
- Prisoner Admission Summary (DD 1476)
- Prisoner Progress Summary (DD 1477)
- Prisoner Summary Continuation Sheet (DD 1478)
- Prisoner's Assignment and Clemency Board Action (DD 1479)
- Copies of all board recommendations and actions

Section 3.
- Prisoner Conduct Record (NAVPERS 1640/8)
- Disciplinary Report(s) (NAVPERS 1640/9)
- Inspection Record of Prisoner in Segregation (DD 509)

- Work and Training Report (NAVPERS 1640/10)
- Incident Report
- Certification of Fitness for Disciplinary Segregation/Special Diet (local)

Section 4. - (Miscellaneous)
- Request/Receipt for Health and Comfort Supplies (copy) (DD 504)
- Request for Clothing and Equipment (DD 504 or NAVMC 604)
* - Valuables and Personal Effects Inventory Receipt (NAVPERS 1640/17)

*Indicates forms which may not be placed in the prisoner file until release is effected.

2. 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 that a prisoner has been previously confined in a naval brig and the location is known, a request may be made to the commanding officer of that facility for the prisoner file.

8104. BRIG LOG. The brig log is a permanent daily record of the operation of the brig. It is maintained by the control center supervisor on duty and is kept in chronological order. The brig log will include, but is not 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

8105. MEDICAL LOG. The medical log is a permanent brig record, with entries made in chronological order. The entries shall be made by medical personnel, showing the prisoner's name, social

security number, date of treatment, nature of complaint, and treatment administered. It shall be signed by the person administering treatment and the prisoner receiving the medication. All medication issued will be properly entered in the log.

8106. VISITORS' LOG

1. A record of each visit to a prisoner shall be made in the visitors' log, in chronological order.

2. The entry shall show the date of visit, time in and time out, the printed name, address, and signature of the visitor, name of person visited, and name or initials of the staff members who admit, and who release the visitor. Identity verification data will be recorded. A visitor's signature shall be required at entry and departure.

3. When authorized by the commanding officer/officer in charge (CO/OIC), a record may be kept of exchanges of mail and visits using the Mail and Visiting List (NAVPERS 1640/15).

8107. PRIVILEGED CORRESPONDENCE LOG. A record of all outgoing and incoming privileged correspondence will be maintained. This log will show date received/mailed, addressor, 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.

8108. DISCIPLINARY LOG

1. A log shall be maintained to record each disciplinary report and the action taken by the CO or the brig officer.

2. The log shall contain chronological entries showing the date of the offense, 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.

3. Each entry shall be signed by the officer authorized to impose the punishment. The disciplinary log shall be submitted weekly to the CO for review and signature.

8109. CONFINEMENT ORDER

1. Policy. The Confinement Order (NAVPERS 1640/4 or DD 497) is a basic record for each brig. Except in emergency, 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 RCM 304(d) of reference (c).

2. Procedures

a. No member of a brig staff shall refuse to receive or to keep any prisoner committed to his or her charge by an officer of the Armed Forces when the committing officer furnishes a statement, signed by him or her, 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. The order shall clearly identify the individual to be confined and show the offense(s) of which accused or convicted, such as:

"Art. 80 Attempted escape from confinement"

"Art. 86 U/A 3 June - 26 July 80 (53 days)"

"Art. 91 Strike CPO w/fist"

"Art. 92 Failed to obey lawful order"

"Art. 121 Larceny-$51 from locker"

"Art. 134 Disorder and damage govt 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 the 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 brig

at the time the prisoner is returned to the brig 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 bread and water/diminished rations (B&W/DIMRATS) under nonjudicial punishment is imposed and deferred (not to exceed 15 days), it shall show the date imposed, the date the punishment is to begin, and the reason for deferment. If the confinement is imposed as a result of the sentence of a court-martial, the 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, that adjudged the sentence and will reflect any pretrial agreement reached.

8110. PRISONER IDENTIFICATION BADGE

1. Policy. All prisoners shall wear a Prisoner Identification Badge (NAVPERS 1640/16) pinned over the left breast pocket on their outer garment. The only exceptions to this requirement shall be Installation Custody Prisoners when they are outside the brig, and segregated prisoners in their cells. No other visual form of identification is permitted except when specifically authorized by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC).

2. Procedures. The three-part Prisoner Identification Badge, with photograph, will be prepared during initial processing as follows:

a. LEGAL STATUS block: Cover block with a strip ¼-inch plastic tool tape, appropriately lettered, in the colors indicated below:

DETAINEE - BLACK

PRISONER - BLUE

b. CUSTODY CLASSIFICATION block: Cover with a strip of ¼-inch plastic tool tape, appropriately lettered, in the colors indicated below:

INSTALLATION CUSTODY - BROWN

MINIMUM CUSTODY - GREEN

MEDIUM-OUT - YELLOW

MEDIUM-IN - ORANGE

MAXIMUM CUSTODY OR SPECIAL QUARTERS - RED

c. PHOTO block: Attach full face photograph covering the form number. The prisoner should not wear a cap or glasses. If a prisoner is confined with a beard or mustache and later it is removed, a new prisoner identification badge photograph shall be taken and the badge changed. A new photo shall be taken annually.

d. RANK block: Enter current rank/rate held by the prisoner in the military service to which he or she belongs. This information should be kept current.

3. Distribution. Three badges will be made during intake. The original (white) shall be issued to the prisoner and worn as a badge in the prescribed manner. The second copy (yellow) shall be maintained in the control center. The third copy (yellow) shall be maintained by the quarters supervisor, in a secured file in that housing unit inaccessible to prisoners. Where possible, badges should 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 picked up and destroyed.

b. When prisoners are released from confinement, their badges shall be picked up as part of their clearance procedure and placed in their prisoner record for future reference.

5. Name Change. If a prisoner's name is officially changed in accordance with article 5010240 of reference (o), the brig shall continue to use a prisoner's committed name until the time that the prisoner is legally released from confinement. Staff will call prisoners by their committed names and prisoners will be instructed that they must answer when called by their committed names. Name tags will bear a prisoner's committed name. However, an "also known as" (A/K/A) prisoner file will be established in the administration records office. This A/K/A 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.

8111. DAILY CHANGE SHEET

1. Policy. The Daily Change Sheet is prepared to indicate the changes to be effected the next day, 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 officer 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.

8112. COMPUTER PRINTOUTS. (NAVY) Computer-generated records 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 should be stored until the completion of the next annual inspection, after which they may be destroyed.

8113. MONTHLY REPORT OF PRISONERS (NAVPERS 1640/11)

1. Policy. The Monthly Report of Prisoners will be prepared by all brigs each month, whether or not any prisoners were confined there during the month. Facilities providing this information via CORMIS are exempt from this report requirement.

2. Procedures

a. This report shall be submitted directly to the Chief of Naval Personnel on the first working day following the end of the month covered. The report may be typed on BUPERS 1640-11 or computer generated by the CORMIS Module (Occupancy Report).

b. Navy brigs shall forward a copy of the Monthly Report of Prisoners to their type commander and major claimant.

c. Marine Corps facilities shall forward a copy of the Monthly Report of Prisoners to the Commandant of the Marine Corps (Code MHC).

8114. 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 will be disposed of as specified by SSIC 1640 of SECNAVINST 5212.5C, Navy and Marine Corps Records and Disposition Manual). Due to the frequent turnover of prisoners, files of prisoners released or transferred will be retained at the brig for 2 years and then grouped and forwarded to the appropriate Federal Records Center (FRC).

a. FRC Atlanta is the appropriate FRC for the following brigs:

(1) Ashore brigs under the area coordination of Commander in Chief, U. S. Atlantic Fleet (CINCLANTFLT);

(2) Ashore brigs under the area coordination of Commander in Chief, U. S. Navy, Europe (CINCUSNAVEUR);

(3) Ashore brigs under the area coordination of Commander, Naval Education and Training (CNET);

(4) Afloat brigs on Atlantic Fleet ships;

(5) Navy Consolidated Brig Charleston; and

(6) Marine Corps brigs located east of the Mississippi.

b. FRC Los Angeles is the appropriate FRC for the following brigs:

(1) Ashore brigs under the area coordination of Commander in Chief, U. S. Pacific Fleet (CINCPACFLT);

(2) Afloat brigs on Pacific Fleet ships;

(3) Navy Consolidated Brig, Miramar; and

(4) Marine Corps brigs located west of the Mississippi.

2. Logs. The brig log book, 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 (disciplinary, visitor, medical, etc.) 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 the Records and Transmittal Form (SF 135, 135A).

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, Title 42, United States Code, Section 290ee-2 and the regulations issued under, Title 45, Code of Federal Regulations, Part 84.

8115. INCIDENT REPORTS

1. Policy. These reports are intended to keep the Chief of Naval Personnel (Pers-84) and Commandant of the Marine Corps (Code MHC) informed of events in naval confinement facilities which could result in embarrassment to the naval service or focus public attention on the brig in question. The 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, in compliance with OPNAVINST 3100.6G (NOTAL). Marine Corps incident reports will be in compliance with MCO 3000.2D (Operational Reporting) (NOTAL) and local standard operating procedures.

b. The report should be submitted in the form of a message (DD 173/3), with a copy to Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) within 24 hours of the incident).

c. The 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; and

(8) Other incidents which could result in embarrassment or focus public attention on the brig.

d. When an incident occurs in a naval brig, and an informal or formal investigation is ordered, a follow-up report including a copy of the investigation shall be submitted to the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) when the investigation is complete and the matter resolved. The initial report is not to be delayed pending investigation. Serious incidents shall be reported by telephone immediately to the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC).

8116. TRANSFER OF RECORDS - SEE ARTICLE 7408

8117. DAILY REPORT OF PRISONERS RECEIVED AND RELEASED (NAVPERS 1640/12). This report is completed on a daily basis and submitted to the brig CO. Only the names of prisoners received or released on the day of report are to be recorded.

8118. PRISONER STATUS REPORT. The CO shall require the submission of a Prisoner Status Report at least once weekly. This report should, as a minimum, indicate prisoner status as of 0800 each Monday. Grouping of names shall be in terms of the confinement status. The primary purpose of this report is to aid CO 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 brig.

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 may authorize retention of other items of limited intrinsic value. Items which

have not been approved shall be retained by the collection agent or returned to the confining command for safekeeping. Such objects as wallets, snapshots, 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. The Collection Agent/Funds and Valuables Custodian and authorized custodians shall be appointed in accordance with 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.

8203. ACCOUNTING - FUNDS AND VALUABLES

1. The 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 Prisoners Inventory and Receipt Form (NAVPERS 1640/17), in the prisoner's presence. This inventory is to be held by the Collection Agent/Funds and Valuables Custodian.

2. The itemized funds and valuables inventory form (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 a NAVPERS 1640/17. This record will be utilized to list all funds upon release from confinement, and will become part of the prisoner's record and will be stored and destroyed using the same criteria.

4. The Collection Agent/Funds and Valuables Custodian 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 monies 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. The personal property clerk must accept and preserve or otherwise dispose of all personal property taken from prisoners upon confinement or received by them during confinement, and shall inventory it in their presence. Except for minimum release or transfer requirements, personal property should be mailed/ shipped at prisoner expense to their home or other selected location.

2. The itemized personal property inventory form (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 the prisoner's personal property inventory form (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. Only the property clerk should 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. The 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 officer, 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. The check will be issued to the designee. The written request will be kept in the prisoner's file to document the existence of such a request. It is recommended that such checks require double signatures of staff members authorized to issue checks then forwarded directly to the designee. The expenditures are not to be considered a part of the normal expenditure for health and comfort items, clothing, or services. Prisoners should not be allowed to deplete their account to the point that they cannot meet their requirements for health and comfort, etc.

8206. EXPENDITURES FOR CLOTHING

1. Policy. The prisoners who are 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 the DD 504 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 should 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 brig 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 brig.

c. Requests for clothing and small stores shall be submitted on a DD 504 or combined Individual Clothing Requisition and Issue Slip NAVMC 604 (Marine Corps).

d. Stragglers and others temporarily awaiting travel may be clothed as described in article 8206.1. 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 article 2650250 of 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. The 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 the Request for Health and Comfort Supplies (DD 504) and the procedures in reference (q) (Part Four, Chapter 3, Section B)

and reference (r) (Part Five, Chapter 2, Section B). Charges against the prisoner's account can be made using the receipt for deposit and withdrawal (NAVCOMPT 399).

4. Articles for the 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 should 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 execpt as indicated below:

a. The brig officer 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 in accordance with article 075155.2c of reference (m). When requested by the prisoner this issue is limited to not less than $10, excluding the cost of services provided. 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 brigs 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 (SSN), 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 that 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. The initial supply should 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
	sanitary napkins
writing material and postage	* handkerchiefs
stamp embossed envelopes	shampoo
razor, enclosed blade	hair cream, tube type

NOTE: No glass or aerosol containers are permitted.

* Considered clothing for Navy prisoners, rather than an health and comfort item.

3. Procedures

a. The 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 should not be confiscated and replaced by another.

b. Neither the initial supply nor the resupply should 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/weekend use.

c. Commands which order persons into confinement shall be informed of the quantity of each item necessary for health and comfort. If the 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 CO's responsibility to ensure that the person has an adequate supply of health and comfort items upon confinement. However, if prisoners are confined without personal necessities, they shall be provided during the processing for commitment period. The CO of the facility is responsible for ensuring that all prisoners receive a periodic resupply of consumable items.

8212. EXPENDITURE EXCEPTIONS. Although every prisoner in a pay status or with personal funds should 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 seabag is required, CO operating confinement facilities shall inform committing commands of items of clothing which every prisoner is required to have in his or her possession while confined and which must be with the person upon commitment.

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, the prisoner must be adequately supplied to present a clean and neat appearance and to do the work assigned. He or she should be assisted in obtaining his or her own clothing and effects as soon as practicable. Special clothing may be issued to prisoners on the same basis as to other personnel.

c. A prisoner is required to have one complete uniform of the day with insignia, emblems, decorations, and ribbons to which entitled, for all appearances in court. The expenses of providing this uniform is chargeable against the prisoner's pay account unless he or she is in a non-pay status, in which case it will be charged against the operating allotment. A prisoner may be permitted to wear the uniform of the day of his or her service during visits, when appearing before a court-martial, and on other occasions approved by the CO. The prisoner of one service shall not wear the uniform of another service unless temporary expediency requires.

d. Prisoners may not transfer or lend any clothing or other personal property to other prisoners.

2. Prisoner/Detainee Uniform

a. Prisoners/detainees will wear uniforms in accordance with current uniform regulations of the prisoner's service, except as noted here. Identifying badges will be worn in accordance with article 8111 of this manual. Prison uniforms may only be prescribed by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC). Prisoners/detainees neither exercise the authority nor enjoy the privileges of their rank while confined.

b. The uniform for installation custody 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, the 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 paragraph 5201.2 of this manual.

3. Marking. Prisoner clothing shall be marked in accordance with 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. Particular care must be taken to ensure that they present a clean and neat appearance to the public.

5. Clothing Stock. The CO should 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 a prisoner is to be discharged and is not entitled to wear the uniform, articles of outer uniform will be taken from him or her in accordance with the regulations governing supply matters in each service. In such a case an outfit of civilian clothing may be procured by the command operating the brig, and issued at no cost to the dischargee, and without regard to the state of his or her pay account or availability of personal funds. However, the prisoner should be encouraged to provide his or her own civilian clothing if it is available in the area or can be sent to him or her. If the prisoner received with civilian clothes in good repair, one set should 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.

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 may be kept of exchanges of mail and visits using the Mail and Visiting List (NAVPERS 1640/15).

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 brig. The confidentiality of the lawyer-client privilege is recognized in MRE Rule 502 of

reference (c) and in Rule 1.6 of JAGINST 5803.1 (Professional Conduct of Attorneys Practicing Under the Supervision of the Judge Advocate General) (NOTAL). The confidentiality of communications to clergy is recognized in MRE Rule 503 of reference (c), SECNAVINST 1730.7 (Religious Ministries within the Department of the Navy) and OPNAVINST 1730.1B (Religious Ministries in the Navy) (NOTAL). Refer also to article 8301.8.

d. Prisoners shall not be required to answer any but official correspondence or to receive any but official visitors. Refusal by a prisoner may be actionable as a disciplinary offense; however, physical coercion is not authorized.

e. Visiting periods shall be established and included in the plan of the day at the brig on all 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 brig officer for cause. Any limitations will be applied evenly and fairly. The 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 who may correspond with a prisoner except for security or control. Any limitations on correspondence must be required in the interest of safe administration or security. If the brig officer makes a determination to disapprove a correspondent, a letter must be placed in the prisoner's file stating specific reasons for such a determination and the correspondent will be notified of the disapproval by the brig.

4. Mail Inspection

a. All prisoner mail, except as noted in article 8301.8 below, shall be subject to inspection and scanning. 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 should be advised, and written notice be included in the prisoners' rule book, that all mail may be subject to inspection. Should a prisoner refuse to accept any or all mail, he or she shall sign a statement to that

effect. The mail shall be marked "Refused" and returned unopened to the sender. The signed statement of refusal shall be filed in the prisoner's file.

5. Rejection of Mail

a. Reasons for Rejection. Mail will be rejected (if incoming, not delivered to prisoner; if outgoing, not further forwarded) when it violates postal regulations, contains code or other obvious attempts to circumvent regulations, (see subparagraph d), discusses escape plans or other criminal activity or where a prisoner's correspondents have been restricted or involves a non-approved correspondent. 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.

b. Procedures in Case of Rejection. Mail which is rejected will be returned to the sender, along with a written explanation noting the offending portion of the mail and providing a specific basis for rejection. The sender may apply to the brig officer for a review of the decision to reject a particular piece of mail. If incoming mail is involved, the prisoner will be notified that mail intended for him or her has been rejected, along with the sender's name and the reasons for rejection.

c. Contraband or Unauthorized Material. 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 should 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 brig, 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.

d. Use of Foreign Language. 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, after translation by a qualified interpreter. In the absence of an interpreter, and if there is no reason to believe the letter represents interference to the security or good order of the brig, mail written in a foreign language will be promptly transmitted to the prisoner to whom it is addressed.

6. Outgoing Mail Procedures

a. A locked box will be made accessible in which prisoners may place their outgoing unsealed letters for collection and inspection. The 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 place it in the Postal Service.

b. Outgoing mail shall bear no external indication that the sender is a prisoner, or be marked to indicate inspection. The return address may include a post office box or building number but shall not indicate that the sender is confined. For example, "Bldg. 6, (or Box 6) Naval Station" rather than "Naval Station Brig".

7. Packages. The CO may authorize prisoners to receive packages on Christmas, birthdays, and at other times in accordance with local instructions. If contraband is found in a package see article 8301.5c. Prisoners shall not receive patent medicines, drugs, or other medications through the mail. Packages and other mail to prisoners known to be narcotic or marijuana users, or former vendors, should receive careful attention.

8. Privileged Correspondence

a. All incoming/outgoing correspondence between a prisoner and the following is privileged and not subject to inspection, nor should prisoners be interviewed in connection with privileged mail prior to its being sent or delivered.

(1) The President, the Vice President, Members of Congress, the Attorney General, the Judge Advocate General or his or her representatives, the prisoner's defense counsel, or any military or civilian attorney of record;

(2) Any attorney listed in professional or other directories, or an attorney's representative.

(3) The prisoner's clergyman, when approved by the chaplain.

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 that it is genuine. If such letters are opened, a machine copy of the envelope should 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 mail should not be inspected unless good cause exists to show substantial interference with the security and good order of the brig. All inspection of privileged mail shall be documented in the privileged correspondence log. (See article 8107). Otherwise, incoming letters from any of the above will be delivered unopened, and outgoing letters will be sealed by the prisoner. Care should be taken to ensure outgoing sealed letters bear the correct address for addressees named.

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 after delivery, they should request its inclusion in their stored personal property or that they should destroy the letter. Staff shall never read privileged correspondence.

9. Official and Special Purpose Correspondence. Letters to military authorities shall be sent through channels in accordance with 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.

10. Newspapers, Periodicals, and Other Mailed Matter. Prisoners shall be permitted, if the period of confinement is of sufficient length, to receive publications and to subscribe to newspapers and periodicals directly from publishers. Newspapers and periodicals subscribed to prior to or during confinement shall be delivered to addressee during regular mail call. These items, when received from the publisher, need only be spot checked as the introduction of contraband through this means is unlikely. Any other restrictions must be justified as interfering with the administration, security, or good order of the brig. Mail

arriving after members have been released shall be forwarded, unopened, to their next forwarding address or station.

11. Postage. Prisoners shall use stamp-embossed envelopes, placing their name on each envelope as soon as received. Postage is an approved item of health and comfort. Prisoners in pay status shall furnish postage for their outgoing mail.

12. Authorized Visitors. Visits by unmarried persons under the age of 18 should not be permitted unless they are accompanied by their parent(s) or the prisoner's parent(s). In accordance with article 8301.2b, visitors will be listed on the Mail and Visiting List (NAVPERS 1640/15) after approval of their names, based on a request submitted by the prisoner during orientation or at any subsequent time.

13. Visiting Facilities. Each brig shall have a furnished room or area for visiting. Informal or lounge type furnishings are most desirable. The visiting room should be inside the security perimeter. Areas presenting obviously harsh security features such as steel bars and security mesh should be avoided. The mess hall, offices, or other areas may be used when a more suitable place cannot be provided.

14. 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 business like 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 should 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.

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 the locker key.

d. If used by a brig, all visitors (military or civilian) will be required to pass through a walk-through metal detector and/or 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. The visitor will be allowed to enter only after brig personnel are satisfied that no unauthorized items are present.

e. If illegal items are discovered (i.e., firearms, explosives, suspected narcotics, etc.) do the following:

(1) Contact local security;

(2) Take necessary and reasonable steps to ensure the safety of staff, prisoners, and public;

(3) Confiscate and maintain control of the illegal item;

(4) Execute chain of custody procedures;

(5) If prisoners/detainees are involved, they shall be separated from the visitor, searched, and placed in a "holding" area, and;

(6) All personnel involved shall prepare detailed reports and cooperate fully with local security personnel.

f. If contraband (vice illegal) item is found, the visitor will be advised that he or she 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, as the case may be, at the brig officer's discretion or according to brig rules. If the item is not placed in the visitor's locker, the visitor will be denied entrance.

g. At no time will brig staff strip search a visitor. Frisk searches shall be conducted by a staff member who is of the same sex as the visitor.

h. Should 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) The visitor poses an imminent threat of inflicting serious bodily harm or death upon another;

(2) The visitor has engaged in a serious breach to security and the incident cannot be contained without the use of force against the offending party; and

(3) The physical security of the facility is seriously threatened.

i. Before any force may be used, however, 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.

15. 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. The content of this letter may be varied to meet local or special requirements. Articles that are declared contraband will be identified. Such letters should 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.

16. Official, Press and Civilian Visits

a. Requests for general visiting of the brig by groups or individuals shall be coordinated with the local PAO and in accordance with Chapter 18 of OPNAVINST 5510.1H, Navy Information Security Program (NOTAL) and SECNAVINST 5720.44A, Department of the Navy Public Affairs (PAO) Policy and Regulations. Each request shall include a specific reason for the visit. The brig officer will grant or deny such requests based upon the brig's ability to maintain good order and discipline and availability of

staff to supervise the visit. Official, press, and civilian visits shall normally be conducted within the brig's regular visitation schedule and shall strictly prohibit photographing or recording of names of prisoners.

b. Current DoD policy is that personal interviews and telephonic communications between prisoners and the media are not authorized.

17. 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 it is considered to be in the best interest of the prisoner's morale and will aid in the resolution of immediate personal problems. The 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 should be approved on the same basis as telephone calls. They may be sent collect or prepaid by the sender.

18. Prisoner Requests

a. The CO shall provide means whereby prisoners may communicate with staff members to request advice and assistance with their problems. The Request for Interview (DD 510) shall be made available for prisoner use without restriction.

b. Prisoners are often worried and confused about their personal problems and need advice and assistance. Opportunities to discuss problems with a chaplain, judge advocate, or other person qualified to assist shall be provided. The prisoner shall state the problem or matter at issue, request to be heard at mast, or request an interview with a designated person. The request will be signed by the prisoner and referred to the proper staff member or brig officer for action or further referral to other proper authority. This request form shall be placed in the prisoner's file showing action taken.

19. CO's Mail Box. The CO shall install, in a centrally located place or places, 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 brig. Contents of this box shall be removed on a regular schedule and screened by an officer, other than the brig staff, and delivered to the CO. Portable boxes may be used if desired. In larger brigs 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 should include prisoners of each custody classification and billeting area (except reception and segregation), the 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.

8303. PUBLIC INFORMATION. Requests for release of information on the corrections program, brigs and naval prisoners to the news media shall be forwarded to the local PAO for response in accordance with SECNAVINST 5720.44A and the Marine Corps Informational Services Manual (NOTAL). Personal interviews and telephone communications between prisoners and media representatives are not authorized. Written communications are permitted and subject to article 8301.

8304. FINGERPRINTS

1. Brigs shall submit an FBI fingerprint card (FD 258) on all adjudged prisoners who meet both of the following criteria:

a. Sentenced to a punitive discharge or dismissal.

b. Convicted of an offense that is not "military unique," (e.g., unauthorized absence, disobedience, or disrespect), and that carries a possible maximum sentence to confinement of 1 year or more. A listing of FBI-reportable offenses and their FBI reporting codes is available from the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC).

2. Fingerprints will be taken on all detainees upon arrival at the brig; however, the FD-249 card will not be submitted until convening authority's (CA) approval of sentence. Cards will be included with records of prisoners transferred to consolidated brigs prior to CA action.

3. Fingerprint cards of all Marines Corps prisoners who meet the above listed criteria will be forwarded to the Commandant of the Marine Corps (Code MHC).

8305. STANDARD OPERATING PROCEDURES. Standard operating procedures (SOP) and Post Orders will be written to describe how to perform the major functions of the brig 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. Brig officers will implement a tobacco prevention program in naval brigs in accordance with SECNAVINST 5100.13A, Tobacco Prevention Program in the Navy and Marine Corps, and additional guidance from the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC).

8307. VICTIM AND WITNESS ASSISTANCE PROGRAM

1. All personnel involved in naval corrections pursuant to this manual are also governed by the requirements of the Victim and Witness Assistance Program contained in DoD Directive 1030.1, DoD Instruction 1030.2, MCO 5800.15A (NOTAL), and reference (p) including, but not limited to, the right to be informed about the confinee'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.

2. The Chief of Naval Personnel (Pers-84) and the Commandant of the Marine Corps (Code MHC) will provide specific guidance for the assistance of crime victims and witnesses.

CHAPTER 9

SENTENCE COMPUTATION AND GOOD TIME

SECTION 1. POLICY AND DEFINITIONS

9101. POLICY. The rights of individuals must be protected by ensuring that persons are not held in confinement beyond their proper release date. Conversely, the integrity of the judicial system must be maintained by assuring that sentences of courts-martial are carried out fully. Accordingly, commanding officers of brigs will exercise close and continuing supervision over personnel responsible for computation of sentence expiration dates.

9102. DEFINITIONS

1. Good Conduct Time. A deduction from the term of a sentence when a prisoner's record of conduct shows that he or she has faithfully observed all the rules and regulations. Prisoners serving life or death sentences are ineligible for good conduct time.

2. Earned Time. A deduction from the term of a sentence for actual employment in an industry or for exceptionally meritorious service in performance of duties in connection with institutional operations. Earned time for long term confinement is authorized only when approved by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC).

3. Inoperative Time. Any period of time during which prisoners are not credited with serving their sentence to confinement.

4. Full Term Maximum Release Date (MRD). The entire sentence to confinement (to include the addition of any added sentence(s)) without reduction in time for good conduct but with reduction in time for pretrial credit, judicial credit, and adjustment for crossing the international date line.

5. Normal Release Date. The date determined by subtracting the maximum credit for earnable good time, earned time, forfeited good conduct/earned time, and court awarded credit from the full term release date of the sentence.

6. Adjusted Release Date. The date determined by adding forfeited good time and inoperative time and by subtracting time for which a prisoner is given credit to include earned time and restored good conduct time/earned time.

7. Parole. A form of conditional release from confinement granted by the Secretary of the Navy to carefully selected individuals who have served a portion of their sentences in confinement, and whose release under supervision is considered to be in the best interest of the prisoner, the naval service, and society as outlined in reference (e).

8. Parole Violator Term. The unexpired term of the sentence to be served by a parole violator. The time spent on parole is credited against the sentence with the following exceptions:

a. If the parolee has been convicted of a new offense committed after being released on parole and this new offense is punishable by a term of imprisonment, forfeiture of the time from the date of release to the date of suspension or revocation of parole may be ordered by the Clemency and Parole Board. Such forfeited time shall not be credited to service of the sentence. An actual term of confinement need not have been imposed for such conviction if the statute under which the parolee was convicted permits the trial court to impose any term of confinement. If such conviction occurs subsequent to a parole violation hearing, a Clemency and Parole Board may reconsider the forfeiture of time served on parole or other disposition, as appropriate.

b. If the Clemency and Parole Board finds that a parolee intentionally refused or failed to respond to any reasonable request, order, or summons of a Clemency and Parole Board or any agent thereof, including the assigned parole officer, or if a Clemency and Parole Board finds that the parolee was not materially in compliance with the conditions of parole, a Clemency and Parole Board may order the forfeiture of time during which the parolee so refused or failed to respond or comply.

9. Vacation of Suspended Sentence. The unexpired term of the sentence to be served by persons who have violated the conditions of their suspension and the suspension is vacated. This term will be the actual number of days' difference between the date of release on probation (date of suspension of sentence) and the full term release date of the sentence adjusted for good time earnable after return to confinement. Good conduct time can only be awarded for the portion of sentence remaining to be served following the vacation of suspension.

10. Expiration Tables. Tables numbering in sequence each day of the year (e.g., from 1 January 1970 through 31 December 2060) taking into account the varying number of days in each month including leap years. These are used in computing sentence expiration dates.

SECTION 2. GOOD CONDUCT TIME

9201. POLICY

1. Prisoners serving a definite sentence to confinement, other than those sentenced to death, confinement for life, or those sentenced to confinement as a result of article 15 punishment, (Bread and Water (B&W)), shall be entitled to a reduction in the time to be served in confinement for good conduct and faithful observance of all rules and regulations. The reduction in the term of confinement shall begin with the day on which the sentence commences to run and shall be credited monthly and computed in accordance with the expiration table.

2. The law provides that prisoners sentenced to confinement may earn a specified number of days good time according to the total length of their sentence(s).

3. Computation of the maximum earnable good conduct time is made at the time of admission solely as an administrative convenience for establishing the earliest release date. This computation is not a crediting process. Good time is credited after it has been earned. When discussing length of confinement and release dates with prisoners, care must be exercised to cite the full term release date which may be reduced by good time, if earned.

4. A prisoner who accepts parole waives all good conduct time and earned time earned up to the date of release on parole. This time cannot subsequently be restored if the offender returns to confinement from parole. The parole does not lose good conduct time or earned time if he or she is restored to confinement during his or her incremental parole period.

9202. RATE OF EARNING

1. Good conduct time shall be credited as earned and computed according to the total length of sentence(s) as described below:

a. FIVE days for each month of the sentence if the sentence is less than 1 year.

b. SIX days for each month of the sentence if the sentence is at least 1 year but less than 3 years.

c. SEVEN days for each month of the sentence if the sentence is at least 3 years but less than 5 years.

d. EIGHT days for each month of the sentence if the sentence is at least 5 years but less than 10 years.

e. TEN days for each month of the sentence if the sentence is 10 years or more.

2. For sentences involving portions of months in the sentence to confinement, or sentences to confinement in days, the rates of earning good time for that portion of the sentence shall be determined by utilizing Table 9-1.

TABLE 9-1
RATE OF EARNING

Portion of month of sentence	Less than 1 yr	1 yr and less than 3 yrs	3 yrs and less than 5 yrs	5 yrs and less than 10 yrs	10 yrs + excluding life	Portion of month of sentence
1	0	0	0	0	0	1
2	0	0	0	0	0	2
3	0	0	0	0	1	3
4	0	0	0	1	1	4
5	0	1	1	1	1	5
6	1	1	1	1	2	6
7	1	1	1	1	2	7
8	1	1	1	2	2	8
9	1	1	2	2	3	9
10	1	2	2	2	3	10
11	1	2	2	2	3	11
12	2	2	2	3	4	12
13	2	2	3	3	4	13
14	2	2	3	3	4	14
15	2	3	3	4	5	15
16	2	3	3	4	5	16
17	2	3	3	4	5	17
18	3	3	4	4	6	18
19	3	3	4	5	6	19
20	3	4	4	5	6	20
21	3	4	4	5	7	21
22	3	4	5	5	7	22
23	3	4	5	6	7	23
24	4	4	5	6	8	24
25	4	5	5	6	8	25
26	4	5	6	6	8	26
27	4	5	6	7	9	27
28	4	5	6	7	9	28
29	4	5	6	7	9	29
30	5	6	7	8	10	30

3. A parole or probation violator, upon return to confinement, shall earn good conduct time at the rate applicable to the

sentence in effect at the time of violation of parole or probation.

9203. FORFEITURE OF GOOD TIME. The CO/OIC may direct forfeiture of any or all good time earned by a prisoner. Any good time or earned time will be forfeited by escape only after due process by a disciplinary and adjustment board action. In the case of parole violation or vacation of suspended sentences, any good time or earned time will be forfeited. A prisoner on incremental parole who is not extended to his/her full term release date is credited with the incremental period(s) for purposes of confinement served and does not lose the good conduct time or earned time earned prior to release on parole. (Refer to article 518d of reference (e). Good conduct time is earned and lost on a basis of the monthly anniversary date of the start of the sentence, not on a calendar month basis.

Example: A prisoner's sentence includes confinement adjudged 8 July. The first month of the sentence ends on 7 August at 2400 and each subsequent month ends on the seventh day of that subsequent month. Thus, if the sentence was to 6 months confinement, and the offense occurred on 7 November, a maximum of 20 days (4 months X 5 days good time per month) can be forfeited.

9204. RESTORATION OF GOOD CONDUCT TIME AND EARNED TIME. Except for time waived upon parole, the CO/OIC of a brig may restore all or any part of the good conduct time or earned time previously forfeited by him or herself or a previous CO/OIC. This action shall be in writing, and signed by the CO/OIC.

9205. CHANGE IN RATE OF EARNING

1. When a change in the period of confinement (either an increase in total sentence by an additional sentence or a decrease in the total sentence by reviewing authorities or clemency action) changes the rate of earning good time, the sentence will be computed as shown below.

Example: A prisoner who was serving a 7-month sentence appeared at a subsequent court-martial and received an additional 6-month sentence. Although the last adjudged sentence automatically interrupts the original sentence, the sentences shall be considered in the aggregate to determine the rate of earning of good time (see article 9305). Therefore, instead of earning 35 days good conduct time on the first sentence (seven months x 5 days per month GCT) and 30 days good time for the subsequent sentence (6 months x 5 days per month GCT), the sentence will be totaled (aggregated) to 13 months and the rate

of earning will be 6 days for each month of sentence, for a total of 78 days good time, rather than the 65 days good time earnable if not aggregated.

Example: An original sentence of 15 months confinement is reduced by convening authority to 10 months confinement. Originally, the prisoner could have earned a total of 90 days good time (15 months x 6 days per month GCT). The reduction in the total sentence would change the rate of earning to 5 days Good time per month, for that portion of the sentence remaining to be served after the convening authority's action. The higher rate is credited for the period of time between the adjudged date and the convening authority's action. The prisoner will be credited with earning the higher rate (6 days per month) until the date of the action reducing the sentence, then the lower rate (5 days per month) is credited for the balance of the sentence. If the action was effective at the end of the third month, the prisoner would be credited with 18 days (3 x 6) plus 35 days (7 x 5), for a total of 53 days.

2. Any changes in the total sentence shall not change the amount of previously forfeited good time.

9206. EARNED TIME

1. Applicability. The provisions of this article can only be granted by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC).

2. Procedures

a. Earned time may be awarded to any prisoner based on his or her record of confinement when specifically authorized. It should be awarded selectively and is intended to reward sustained extra effort and meritorious performance of duty. It should not be granted merely because a prisoner does what is expected. It should be earned through demonstrated excellence in performance of work and training. It should not be granted if good conduct time forfeitures remain outstanding.

b. Earned time may be granted at a rate not to exceed 3 days per month during the first year of confinement, and not to exceed 7 days per month in subsequent years of confinement. Earned time may be prorated for fractions of months and will be awarded as a result of a specific unit or disposition board decision, not as a routine administrative procedure.

c. Earned time may be forfeited and restored in the same manner as good time.

d. Earned time shall advance a prisoner's normal release date on a day-for-day basis as earned.

9207. PAROLE. Reference (e) establishes policies and procedures for the conditional release on parole of court-martialed prisoners serving sentences which include an unsuspended punitive discharge or dismissal.

SECTION 3. SENTENCE COMPUTATION

9301. DATES OF COMPUTATION

1. Confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, whether or not the person is placed in confinement, unless the sentence to confinement was suspended or deferred.

a. If a sentence to confinement was suspended and the suspension was later vacated, the date that the suspension was vacated would be the beginning date of the sentence computation and would count as a full day of confinement, whether or not the person is placed in confinement, and regardless of the hour of commitment.

b. If a sentence to confinement was deferred, the date of the termination of the deferment would be the beginning date of the sentence computation, and would count as a full day of confinement, whether or not the person was placed in confinement, and regardless of the hour of commitment.

2. The day of confinement and the day of release shall each be considered to be one full day of confinement for sentence computation purposes, regardless of the hour of commitment or release. This also applies to escapes and apprehensions, and also to suspensions and vacation of suspensions.

9302. ARTICLE 15, UCMJ, CONFINEMENTS

1. B&W/Diminished Rations (DIMRATS)

a. Confinement on B&W or DIMRATS is an authorized punishment under the UCMJ, article 15. This punishment is authorized for up to 3 days and can only be imposed upon personnel in pay grade E-3 or below who are attached to or embarked in a vessel.

b. The beginning date of sentence computation is the date that the confinement to B&W or DIMRATS was imposed. A CO, when the exigencies of the service require or when adequate facilities are not available, or if the member is found to be not medically

fit for the service of the punishment, may defer execution of confinement on B&W for a reasonable period of time not to exceed 15 days after imposition, in which case the beginning date of the sentence would be the termination date of the deferment. These dates shall be used as the beginning dates of sentence computation regardless of the time of confinement or whether or not the person is placed in confinement on that date and shall count a full day of confinement.

2. Good Conduct Time. Good conduct time may not be earned for punishments imposed under article 15, UCMJ.

3. Release Computation. Determining release date by the number of hours or meals served in confinement is not authorized.

4. Correctional Custody. Confinement may be authorized in a correctional custody status when requirements of reference (f) are met. Normal sentence computation procedures apply, except that good conduct time cannot be awarded during this period. Correctional custody is not counted as lost time and is effective when imposed except that CO/OIC may, when adequate facilities are not available, when the exigencies of the service require, or if the accused is found to be not medically fit for the service of the punishment, defer execution of correctional custody for a reasonable period of time, not to exceed 15 days after imposition.

9303. METHODS OF SENTENCE COMPUTATION

1. Accuracy. Precise sentence computation is essential to uphold the rights of prisoners; to ensure prisoners are not kept in confinement beyond the proper release date; and to protect the integrity of the judicial system. Sentences to confinement are to be carried out fully and prisoners are not to be released prematurely or late.

2. Expiration Tables. Expiration tables are specifically designed for sentence computation purposes and shall be utilized in computing sentence expiration dates (reference (d)).

a. Seeming inequities in sentencing occur because not all months contain the same number of days. A 1-month sentence adjudged on 1 January 1992 has a full-term release date of 31 January 1992. The same sentence adjudged 1 February 1992 has a full term release date of 29 February 1992. The full term release date for a 30-day sentence adjudged 1 February 1992 is 1 March 1992. The expiration tables serve to identify the exact date a prisoner is to be released.

b. Expiration Table numbers are provided as five digit numbers that correspond to specific calendar dates. Each number runs consecutively from January 1 until December 31 and maintains continuity with the previous and next years. (Example: 1 JAN 95 and 31 DEC 95 corresponds to #20455 and #20819 respectively.) Each year is located on a separate page. Months are provided as columns along the top time of each page. Days of the month are shown down the left and right edges of the page. The number located in both the column for the month and on the line for the day of the month is the Expiration Table # for that date.

3. Examples of Sentence Computations

a. General Rules for Computations. Utilizing the Expiration Tables to determine the numbers that correspond to the exact dates used in the computation is far more accurate and less time consuming than counting out the sentence day for day on a calendar or other similar "shortcut" methods. The following basic steps are used in most computations of sentence expiration dates:

(1) One day is subtracted from the day adjudged plus sentenced time because the day adjudged and the day of release both count as full days of confinement (see article 9301).

(2) Earnable Good Conduct Time (GCT) Computation. To the degree possible GCT computation should be based on months of confinement. A sentence to 4 years confinement is equivalent to a sentence of 48 months. If the rate of earning for a 4 year sentence is 7 days per month, then multiply the rate of earning times by the number of months in the sentence. The earnable GCT in this case is 336 days. See article 9202 for exact rates of earning for GCT.

b. Computation for Sentence in Days. For sentences involving days, add the number of days sentenced to the expiration table # corresponding to the date adjudged. Table 9-2 provides the computation for 30 days confinement adjudged 8 January 1995.

TABLE 9-2

	YR	MO	DA	Expiration Table #
Date adjudged	95	01	08	20462
Sentenced to 30 days				+ 30
	95	02	07	20492
Less 1 day				- 01
Full-term release date	95	02	06	20491
Less earnable good time				- 05
Normal release date	95	02	01	20486

c. Computation for Sentence in Months. For sentences to confinement in months, simply add the number of months or years on to the month/year adjudged. If the sentence was for 13 or greater months, you would add 1 year and number of months over 12 onto the adjudged date. Table 9-3 provides the computation for 2 months confinement adjudged 3 August 1995.

TABLE 9-3

	YR	MO	DA	Expiration Table #
Date adjudged	95	08	03	
Sentenced to 2 months	00	02	00	
	95	10	03	20730
Less 1 day				- 01
Full-term release date	95	10	02	20729
Less earnable good time				- 10
Normal release date	95	09	22	20719

d. Computation for Sentence in Years. For sentences to confinement in years, simply add the number of years on to the month/year adjudged. Table 9-4 provides the computation for 4 years confinement adjudged 15 February 1995.

TABLE 9-4

	YR	MO	DA	Expiration Table #
Date adjudged	95	02	15	
Sentenced to 4 years	04	00	00	
	99	02	15	21961
Less 1 day				- 01
Full-term release date	99	02	14	21960
Less earnable good time				- 336
Normal release date	98	03	15	21624

e. Computation for Sentence in Years and Days. To determine earnable GCT when a prisoner is sentenced in days, use 30 days as a month and the remainder as days. In the example below, 75 days are reduced to 2 months and 15 days. Therefore, the sentence of 2 years and 75 days, for the purpose of computing earnable GCT, is reduced to 26 months and 15 days (26 mos x 6 days per month = 156 GCT). Table 9-5 provides the computation for 2 years and 75 days confinement adjudged 26 June 1991.

TABLE 9-5

	YR	MO	DA	Expiration Table #
Date adjudged	91	06	26	
Sentenced to: 2 years	02			
	93	06	26	19901
75 days				+ 75
	93	09	09	19976
Less 1 day				- 01
Full-term release date	93	09	08	19975
Less earnable good time				- 159
Normal release date	98	04	02	19816

f. Computation for Sentence in Years and Months. Table 9-6 provides the computation for 2 years and 2 months confinement adjudged 17 December 1990.

TABLE 9-6

	YR	MO	DA	Expiration Table #
Date adjudged	90	12	17	
Sentenced to: 2 years	02			
	92	12	17	
2 months		02		
	93	02	17	19772
Less 1 day				- 01
Full-term release date	93	02	16	19771
Less earnable good time *				- 180
Normal release date	92	08	20	19591

* GCT: 30 months at 6 days per MO = 180 days.

g. Computation for Deferred Sentence. Table 9-7 provides the computation for a 1 month sentence adjudged on 19 December 1995, deferred until the Convening Authority's action, and approved by the Convening Authority on 9 January 1996.

TABLE 9-7

	YR	MO	DA	Expiration Table #
* Beginning date sentenced to	96	01	09	
Sentenced to: 1 month		01		
	96	02	09	20859
Less 1 day				- 01
Full-term release date	96	02	08	20858
Less earnable good time				- 05
Normal release date	96	02	03	20853

* For sentences involving a deferment, the beginning date of the computation will be the terminating date of the deferment (see article 9301).

h. Computation for Sentence Involving Forfeited Good Time. Table 9-8 provides the computation for 4 months confinement adjudged on 17 October 1997 with a subsequent forfeiture of 10

days of his or her good time for a rules violation committed on 30 December 1997.

TABLE 9-8

	YR	MO	DA	Expiration Table #
Date adjudged	97	10	17	
Sentenced to: 4 months		04		
	98	02	17	21598
Less 1 day				- 01
Full-term release date	98	02	16	21597
Less earnable good time				- 20
Normal release date	98	01	27	21577
* Plus forfeited time				+ 10
Actual release date	98	02	06	21587

* Ten days are added because the total good time earnable was credited in the normal release date computation.

9304. INOPERATIVE TIME

1. A sentence to confinement is continuous until the term expires and is interrupted only by inoperative time, which is any period for which a prisoner is not entitled to confinement credit. Inoperative time includes periods of unauthorized absence; while erroneously released from confinement through fraud; while absent after delivery to civil authorities, if followed by a conviction in a civil tribunal (RCM 1113(d)(2)(A)) of reference (c)) or while the sentence is interrupted under the conditions set forth in articles 9305 or 9309 (vacated suspension). The Naval Clemency and Parole Board determines inoperative time in cases of parole revocation and informs the brig and prisoner of this decision for use in computing new adjusted release dates.

2. An escaped prisoner who returns to military control, but who conceals his or her status as a prisoner continues to be "absent without authority" within the meaning of this article. However, an escaped prisoner who is returned to confinement is again credited with time served beginning with the date of return, even when charges are pending on the escape offense. If a sentence is adjudged for the escape, the procedures for multiple sentence are

used. (See article 9305.) Portions of days served in confinement on the date beginning and terminating any inoperative time period, including a period of absence following an escape, count as full days of confinement.

a. Procedure. A period of inoperative time is terminated and the sentence is resumed on the day the prisoner returns to military authority. The release date is computed by taking the beginning date of the sentence, reducing the full term release date by the amount of good time credited, subtracting the number of days credited toward completion of the sentence prior to the time the period of inoperative time begins to run, and then adding the amount of inoperative time and the forfeited good time to the original release date.

Example. Table 9-9 provides the computation for a sentence involving inoperative time. A general court-martial sentence adjudged on 13 May 1991 prescribes 6 months confinement. One month after the sentence begins to run (date adjudged), the prisoner escapes (12 June 1991). He or she is apprehended and returned to military confinement 11 June 1992. One day is subtracted from the inoperative time because the day of escape and the day apprehended each count as a full day of confinement (see article 9301).

9305. AGGREGATION OF MULTIPLE SENTENCES

1. When a prisoner is serving a sentence to confinement at the time a subsequent sentence to confinement is adjudged, the original sentence to confinement is automatically interrupted until completion of the confinement under the last sentence adjudged. The remaining portion of the prior sentence will be served after the last sentence has been fully executed (RCM 1113(d)(2)(A)(iv)). Confinement ordered executed by vacation of a suspension of a sentence shall begin to run on the date ordered vacated and shall interrupt any other confinement in effect at that time.

2. Sentences to confinement shall be considered in the aggregate to determine the rate of earning good time and for the purpose of computing the date of eligibility for parole, except that parole violator terms and probation violator terms shall not be aggregated.

3. Computation of a Multiple Sentence. Table 9-10 provides the computation for the actual release date for 6 months confinement adjudged on 15 June 1991 and a subsequent 6 months confinement adjudged on 10 August 1991.

TABLE 9-9

	YR	MO	DA	Expiration Table #
Date adjudged	91	05	13	
Sentenced to: 6 months		06		
	91	11	13	19310
Less 1 day				- 01
Full-term release date	91	11	12	19309
Less earnable good time				- 30
Normal release date	91	10	13	19279
* Plus inoperative time				+ 364
** Plus forfeited time				+ 5
Adjusted release date	92	10	16	19648
* Inoperative time				
Day apprehended	92	06	11	19521
Less day escaped	91	06	12	19156
				365
Less 1 day				- 01
Total inoperative time				364
**Forfeited GCT				
Day escaped	91	12	06	19156
Less date adjudged	91	05	13	19126
Days confined				30

Rate of earning for GCT is 5 days for 1 month.

9306. REHEARINGS AND NEW OR OTHER TRIALS

1. In computing the term of confinement to be served under a sentence adjudged upon a rehearing or a new or other trial, (hereafter, new or other trial shall be referred to as "retrial"), prisoners shall be credited with confinement served on the original sentence up to the time the original sentence was set aside or the retrial ordered. Additionally, they shall be credited with any period actually spent in confinement, in connection with the charges which are subject to the rehearing or retrial, between the date the rehearing or retrial is ordered and the date of rehearing or retrial. See R.C.M. 810, 1107(e)(1)-(2), and 1210.

TABLE 9-10

	YR	MO	DA	Expiration Table #
Date adjudged (original)	91	06	15	
Sentenced to: 6 months		06		
	91	12	15	19342
Less 1 day				- 01
Full-term release date	91	12	14	19341
Less earnable good time				- 30
Normal release date	91	11	14	19311
Full term release date	91	12	14	
Sentenced interrupted	91	08	10	
Remaining time to serve on original sentence		04	04	

Assuming that the individual remained in confinement, as indicated in the example, computation of GCT should be as follows:

	YR	MO	DA	Expiration Table #
Date adjudged (second)	91	08	10	
Sentenced to: 6 months		06		
	92	02	10	19399
Less 1 day				- 01
Full-term release date	92	02	09	19398
Plus remainder of original sentence		04	04	
Aggregated full-term release	92	06	13	19523
Less earnable good time (@6 days)				- 72
Normal release date	92	04	02	19451

2. Good time shall be credited only once after a rehearing. If the sentence at the rehearing or retrial is identical to the original sentence, there is no change in the rate of earning. If the second sentence is less than the first, see article 9205 for

computation procedures. The total amount of good time credited shall in no case exceed that amount that could be earned under the original sentence. Table 9-11 provides the computation for a sentence of 8 years adjudged 1 April 1989, subsequently ordered for rehearing 1 October 1990 and adjudged on 1 December 1990 to 4 years confinement.

TABLE 9-11

	YR	MO	DA	Expiration Table #
Date adjudged	89	04	01	
Sentenced to: 8 years	08			
	97	04	01	21276
Less 1 day				- 01
Full term release date	97	03	31	21275
Reduction (New sentence) (4 years vice 8 years)	-04			
Full-term release date	93	03	31	19814
Less possible GCT *				- 196
				19618
Less GCT earned **				- 160
Normal release date	92	04	09	19458

*Possible GCT

Full-term release	93	03	31
Date new sentence begins	90	12	01
	02	03	30

** 27 months (@ days) plus 30 days (7 days GCT) = 196 days GCT; GCT earned: 20 months X 8 days = 160 GCT

9307. CROSSING INTERNATIONAL DATE LINE

1. Inequities in actual confinement served or in the actual release date will occur when prisoners are confined in ships' brigs or are being transferred to CONUS shore facilities and they cross the international date line. In addition to the regular sentence computation procedures contained in this chapter, the

following adjustments shall be made to determine the actual release date under these conditions.

a. Crossing East to West - add 1 day to the original computation.

b. Crossing West to East - subtract 1 day from the original computation.

9308. CONFINEMENT IN LIEU OF FINE. Confinement may not be executed for failure to pay a fine if the accused demonstrates that he or she has made good faith efforts to pay but cannot because of indigency, unless the authority considering imposition of confinement determines, after giving the accused notice and opportunity to be heard, that there is no other punishment adequate to meet the Government's interest in appropriate punishment. (RCM 1113(d)(3) of reference (c)).

Example: A GCM sentence provides for dismissal, confinement for 2 years and a fine of $4000, and further provides for additional confinement of 1 year if the fine is not paid. This shall be treated as an ordinary 3 year sentence with a possible 252 days good time. If the fine is paid, the sentence shall be recomputed as a 2 year sentence with a possible 144 days good time. Note that clemency and parole eligibility dates are based on the 2 year sentence, however.

9309. VACATED SUSPENSION. For sentences to confinement which are suspended and later vacated, the time between the first day of suspension and the date the suspension is vacated shall be considered as inoperative time in computing adjusted release dates.

Example: Table 9-12 provides the computation for a prisoner sentenced to 6 months' confinement on 3 August 1991. The prisoner remained in confinement until 5 October 1991, when the convening authority suspended the remaining portion of the sentence for a period of 6 months. On 6 December 1991, the suspension was vacated and the prisoner was returned to confinement.

9310. PAROLE VIOLATOR TERM. The unexpired term of the sentence to be served by a person who has violated parole shall be determined as follows: the term will be the actual number of days' difference between the date of release to the date of suspension or revocation of that parole as a result of a new offense as ordered by the Naval Clemency and Parole Board. If the brig receives a parole violator, the letter of revocation from the Naval Clemency and Parole Board will indicate how much

time, if any, is forfeited. This term may be reduced by the good time which may be earned on the parole violator term at the rate applicable to the full term of the sentence. It may also be reduced by earned time. The day of release on parole is credited as a day of confinement. Parole violators will not be credited with good time or earned time earned prior to the date of their release on parole. See 9102.8 for explanation of how credit for time on parole is credited towards completion of sentence and see 9304 for inoperative time guidance for parole violators.

TABLE 9-12

	YR	MO	DA	Expiration Table #
Date adjudged	91	08	03	
Sentenced to: 6 months		06		
	92	02	03	19392
Less 1 day				- 01
Full-term release date	92	02	02	19391
Inoperative time *				+ 61
Adjusted release date	92	03	04	19452
Less earnable GCT **				- 19
Normal release date	92	03	15	19433
*Inoperative Time				
Suspension vacated	91	06	12	19333
Less sentence suspended	91	10	05	19271
				62
Less 1 day				- 01
Total inoperative time				61

** GCT: Good conduct time can only be awarded for the portion of sentence remaining to be served following the vacation of suspension. In this case, a period of 3 months and 27 days remain because 2 months and 3 days were served prior to the date of suspension.

Note: Date of suspension and release each count as one day of confinement (see article 9301).

9311. CREDIT FOR PRETRIAL CONFINEMENT

1. A report of results of trial, as described in articles 7203, 7301.1, and 8109.2f, shall constitute the official notice of administrative credit referred to in this article. The CO/OIC of the confinement facility shall ensure that each prisoner receives the credits indicated in the report of the results of trial, after the credit for good conduct time has been computed without regard to such additional credits. Confirmation of such additional credits in post-trial actions of convening or other reviewing authorities is not required and should not be awaited before implementing the administrative credits indicated in the report of results of trial.

2. Unless otherwise indicated, each prisoner shall receive day-for-day credit for each day spent in pretrial confinement as reflected in the report of results of trial. A prisoner is granted good conduct credit for this period at the time of sentence computation.

3. Each prisoner shall also receive such credits as may have been ordered by the military judge of the court-martial before which the trial was held. These credits are described as judicially ordered credits and are in addition to credits received for lawful pretrial confinement.

4. Credits may also be ordered by convening or other reviewing authorities in post-trial actions. Care must be taken by the reviewing authority to specify whether such credits merely reiterate credits already required to be given for lawful pretrial confinement or by judicial order, or whether they are intended to be in addition to such required credits. If, and only if, the credits ordered in post-trial actions are specified to be in addition to such required credits shall they be included in the computation of sentences.

9312. EXPIRATION TABLES. Expiration tables which are specifically designed for use in sentence computation are obtainable from the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (MHC). A computerized program which determines prisoner release dates will be used where available. (e.g., CORMIS)

9313. CREDIT FOR PRETRIAL AGREEMENT

1. Even if the report of results of trial reflects the provisions of a pretrial agreement, the good conduct time computed based on the sentence as announced by the court is still the legitimate basis for earning good conduct time. The pretrial

agreement will not be used in the computation of good conduct time until the convening authority approves the agreement. Good conduct time of a sentence with an approved pretrial agreement is to be computed on what the convening authority approves and only from the date of the approval. If the approved pretrial agreement is for a lesser sentence that reduces the earning rate of good conduct time, credits and good conduct time earned before the convening authority's action will be retained by the prisoner.

2. Notwithstanding this requirement, the good conduct time earnable based on the pretrial agreement will also be computed and will be tracked closely by the brig. Most pretrial agreements are honored and binding; as such, the brig must be prepared to release the prisoner based on the pretrial agreement if the convening authority's action is not prior to the pretrial agreement release date. If the convening authority has not acted by the projected pretrial agreement release date, a prisoner is to be released in accordance with the pretrial agreement using good conduct time earned based on the sentence announced by the court. The brig will verify the concurrence of the convening authority, based on the convening authority's intention to honor the pretrial agreement, no later than the week prior to the release based on the pretrial agreement projection.

3. If a pretrial agreement places conditions on the prisoner's confinement, e.g. attend substance abuse counseling, pay a fine, make restitution, etc., and the conditions have not been fulfilled by the prisoner, the convening authority of the prisoner shall conduct a hearing, within seven calendar days before the release date approved by the convening authority, to determine if the prisoner was capable of fulfilling the conditions. If it is determined that the prisoner was not able to fulfill the pretrial agreement conditions, through no fault of his or her own, the prisoner shall be released on the date approved by the convening authority in the pretrial agreement just as though the conditions had been fulfilled. The convening authority must notify the brig of the results of the hearing prior to the projected release date. If the convening authority fails to conduct this hearing by the time of the prisoner's pretrial agreement release date, or fails to notify the brig of any results, the prisoner is to be released, even if the conditions of the pretrial agreement have not been fulfilled. It is also incumbent on the brig to attempt to ascertain exact pretrial agreement status prior to any such release. See article 9308 for confinement in lieu of fine.

CHAPTER 10

MISCELLANEOUS SERVICES

SECTION 1. MEDICAL SERVICES

10101. MEDICAL OFFICER. The commanding officer/officer in charge (CO/OIC) 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 brig in accordance with the Manual of the Medical Department. This person will advise the CO 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. No form of special diet, such as 3 days' confinement on bread and water, shall be imposed as a disciplinary measure unless the medical officer has certified, in writing, that it will probably 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 the Inspection Record of Prisoner in Segregation (DD 509) kept in the segregation unit.

10102. MEDICATION. Only medical personnel will administer controlled substances and medication for prisoners. A brig quarters supervisor, trained by medical personnel, may administer prisoner medication, other than controlled substances, after working hours, as directed by medical personnel. If a quarters supervisor administers such medication he or she will ensure the medication is consumed by the prisoner in the presence of the quarters supervisor. The quarters supervisor shall keep a medication log which will be 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 and those 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 should be assigned to full-time duty in brigs large enough to justify such an assignment.

10104. HIV/AIDS. Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) are medical issues with security ramifications. Staff should not make moral judgments regarding HIV positive individuals. As such,

or confinement determines, after giving the accused notice and

correctional management of the HIV problem will be a three-level effort: information and training; screening; and management of actual/suspected cases. The Chief of Naval Personnel (Pers-84) and the Commandant of the Marine Corps (Code MHC) in cooperation with BUMED will provide procedures for supervision of such prisoners. Marine Corps Order 6700.3 (NOTAL) provides guidance for management of HIV/AIDS prisoners in Marine Corps Brigs.

10105. HEALTH/DENTAL RECORDS. The brig will maintain the health and dental records of all prisoners. These records will be placed under the supervision of the brig medical officer.

1. The health and dental records of prisoners shall be maintained in accordance with chapter 16 of reference (1).

2. The health record shall accompany the prisoner if admission to the hospital is required.

3. The health or dental record shall accompany the prisoner whenever the prisoner has an outpatient or dental appointment.

4. The health or dental record should be handled only by the escort in order to ensure documented care is not removed from the records.

10106. MENTAL HEALTH EVALUATIONS. DoD Directive 6490.1 of 14 December 1993 (NOTAL) provides certain rights to be afforded members by their COs prior to psychiatric evaluations being conducted either on an inpatient or outpatient basis. It is DoD policy that no person shall refer a member for a mental health evaluation as reprisal for making or preparing a lawful communication to a Member of Congress, any appropriate authority in the chain of command or any investigative/law enforcement organization.

SECTION 2. SUPPORT SERVICES

10201. MESS DECK OPERATIONS

1. Security Measures. The 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 the Manual of Naval Preventive Medicine (NAVMED P5010-1) (NOTAL) and must be strictly adhered to. A staff member should be assigned to supervise the mess deck operation and monitor the quality and quantity of food served. Larger brigs may have internal food preparation areas which greatly aid overall efficiency but which require additional

security measures. In all cases, care must be taken in the accountability of silverware and other kitchen utensils which may be used as weapons. If food is to be brought in from external areas, precautions must be taken to ensure that 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. Smoking shall not be permitted in the messing area during the meal. 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. All utensils used in segregation shall be accounted for.

2. Refusal of Food. If prisoners refuse to eat, a notation of such refusal will be entered in the brig log and in the prisoner's file. Any significant and prolonged deviation from a normal diet should be referred to the medical officer for consultation. Food will be offered at scheduled meal times and the opportunity to eat noted in the brig log. The Chief of Naval Personnel (Pers-84) and the Commandant of the Marine Corps (Code MHC), in conjunction with BUMED, will provide specific instructions for addressing prisoners on hunger strike.

10202. LAUNDRY OPERATIONS. All facilities will ensure that adequate means of washing prisoners' clothes are provided. The laundering of sheets, pillowcases, and the dry cleaning of blankets will be accomplished by the brig or at a command laundry facility. Sheets, pillow cases, towels, face cloths, and soiled blankets will be laundered at least once a week. At no time is the use of prisoner laundering facilities, located within a brig, authorized for use by staff members or other private individuals or organizations. 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. Arrangements will be made through the local exchange for barber services to prisoners within the facility. Prisoners in a pay status will receive and

pay for their haircuts through this service. Prisoners in a non-pay status may have their hair cut by a facility barber providing the barber is properly trained and qualified. Prisoner barbers are forbidden unless they are trained and certified by a qualified barber. Barber shops located within the facility shall meet the sanitation regulations directed by the local area commander.

10204. LIBRARY SERVICES. The brig library is a branch of the installation library.

1. Availability. Library services shall be available within the brig as part of the total program. These services shall provide an opportunity for education, information, and recreation. The library should be readily accessible and provide a selection of up-to-date material. Close coordination should be maintained with the station 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 should have access to legal material.

2. Materials. Newspapers and periodicals should be a regular part of the library program and included in the budget of the brig. If not part of the brig budget, newspapers and periodicals should be provided by the installation library as part of the library program. The 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. The following articles are provided to clarify the requirements as they apply to ships' brigs. With the exception of the clarification presented in this chapter, the articles of this manual will be applied to ships' brigs. Afloat brigs will be operated by all CV's, CVN's, LPH's, LHA's, and LHD's, and may be operated by tenders with facilities when in a port where there is no ashore brig and the fleet commander has 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 brigs. See article 2101.2 for structural standards prescribed for ships' brigs.

11103. STAFF

1. Staffing. All ships required to operate brigs (see 11101 above) will be assigned six 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 Commander 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. A minimum of two staff members will be on duty in the brig at all times when a person is confined.

2. Training. Staff will complete appropriate afloat brig training. Claimant or Chief of Naval Personnel (Pers-84) may be contacted for schedules.

11104. EMERGENCY BILLS. The 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 that bread and water prisoners will remain in their cells. Other programs, such as physical training, military drill, and counseling will be provided.

11106. RECORDS AND REPORTS

1. Log. The brig log in most ships' brigs is sufficient to account for prisoner movement. Other accountability systems or logs required in this manual may be incorporated in the brig log.

2. Confinement and Release Records. The Confinement Order (NAVPERS 1640/4) and the Prisoner Release Order (DD 367) shall be used.

3. Prisoner File. A prisoner file will be maintained on all prisoners confined in a ship's brig. As a minimum, this file will contain the Confinement Order, (NAVPERS 1640/4); Initial Contact Sheet, (NAVPERS 1640/19), except for bread and water; Disciplinary Reports, (NAVPERS 1640/9); Inspection Report of Prisoner in Segregation, (DD 509); and the Prisoner Release Order, (DD 367). This file shall be retained in the brig.

11107. ADMINISTRATIVE MATTERS

1. Funds and Valuables. Prisoner funds and valuables will be deposited with the disbursing officer. Procedures for such action will be specified in the brig standard operating procedures and reference (h).

2. Personal Property. Prisoner personal property in the brig will be limited to essential items and all other property will be 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 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 7104.4.)

11203. DETENTION OF PRISONERS OF WAR, CIVILIAN INTERNEES, AND OTHER DETAINED PERSONS ABOARD NAVAL VESSELS

1. Background

a. International law requires humane treatment of prisoners of war (POW), civilian internees (CI), and other detained persons (DET) at all times.

b. International treaty law expressly prohibits "internment" of POW 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/DET 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/DET may be temporarily held on board naval vessels while being transported between land facilities.

(3) POW/CI/DET may be temporarily held on board naval vessels if such detention would appreciably improve the safety or health prospects for the POW/CI/DET.

b. Holding of POW/CI/DET on board vessels must be truly temporary, limited to the minimum period necessary to evacuate the POW/CI/DET 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/DET 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 correctional 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 3 types of detention facilities: the detention space, the holding cell and the pretrial confinement facility.

12102. PHYSICAL PLANT

1. Authorization. Detention facilities shall be made operational as set forth in article 2101.3 of this manual.

2. Number and Location. The number of cells required by an activity depends upon the population served; however, at least two usable cells should normally be available in each detention facility. Detention facilities must provide segregation for males and females. Where possible, cells should be located near the security watch desk, but sufficiently removed so as not to hamper normal operation or be accessible to casual visitors. Cells should not be located below ground level nor in upper stories requiring the use of stairs.

3. Other Facilities.

a. Military. The 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. Civilian. If military facilities are not available, personnel may be detained in civilian facilities utilized by the U.S. Department of Justice. The nearest U.S. Marshal's office will have a list of these facilities. Use of civilian facilities must be justified by attendant circumstances. All expenses incurred by Navy prisoners/detainees must be borne by the command placing the person in the civilian facility. Confinement expenses for Marine Corps prisoners/detainees will be provided as prescribed in reference (i). If a civilian confinement facility is used, approval must be obtained from the second echelon commander within 2 work days after confinement in order to continue confinement in the civilian facility.

4. Size. Single occupancy cells are preferred. Minimum inside dimensions and construction will conform to MIL-HDBK 1037/4 (NOTAL) for new construction, renovation, or alteration. Existing cells will be at least 6 feet wide, 8 feet long and 8 feet high. If multiple occupancy holding cells are used for very short term detention periods (up to 8 hours) each detainee will be provided a minimum of 20 net square feet.

5. Materials and Equipment. If a closed circuit television is installed, it should provide for an oscillating camera, to prevent burning an image on the television screen. Otherwise, the provisions of article 2209.11 apply.

6. Inspections. Detention facilities will be regularly inspected for cleanliness, adequate lighting and ventilation, general repair, security, and safety.

a. Daily security and sanitation inspection of the detention facility shall be made by a senior member of the security staff.

b. The detention facility will 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. A record of all inspections shall be entered in the detention facility's daily log.

c. Detention facilities will be conducted annually in accordance with article 1201.5. If use is infrequent they should be disestablished. The senior officer can designate a space for temporary detention on an as needed basis.

7. Meals. Meals will be provided at regular meal hours for personnel detained beyond 6 hours. Detainees believed to present a security risk will be fed in their cells.

8. Showers. Shower access will be provided daily to any detainee held over 24 hours if behavior is satisfactory.

12103. STAFF

1. Staffing. Detainees will be closely supervised during the time they are in detention facilities by qualified and trained staff. In the event of detention overnight, or in excess of 12 hours, appropriate bedding shall be issued. Detention cells should be located so that continuous supervision from the security watch desk is possible. If continuous supervision is not possible, a security supervisor must be stationed in the cell area or a closed circuit television used. However, a visual check of the detained personnel shall be made at least once each 30 minutes, and recorded on the DD 509. These checks shall be at shorter intervals if the situation demands, e.g., indications of suicidal ideation, drug/alcohol abuse, or other strange behavior. No person shall enter occupied detention cells or remain in their immediate proximity wearing firearms, nightsticks, or other weapons.

2. Training

a. Personnel assigned to supervise a detention facility will complete training as specified by the Chief of Naval Personnel (Pers-84) or the Commandant of the Marine Corps (Code MHC) as appropriate. If short term detainees are to be supervised by personnel from their division, the detention facility staff will instruct these supervisors in detention cell supervision, and will provide them with written post orders.

b. Personnel assigned to a Pretrial Confinement Facility will possess the NEC 9575 or MOS 5831, Corrections Specialist. Each Pretrial Confinement Facility will have one Correctional Counselor (NEC 9516 or MOS 5832) on the staff manpower authorization.

3. Force. No individual will be permitted to supervise a detention facility until he or she has received instructions on applicable regulations relating to the use of force in the performance of such duties. In addition, instruction will be given periodically to all personnel assigned to these duties to ensure that they continue to be thoroughly familiar with all restrictions on the use of force.

12104. CONTROL

1. Violent Detainees. If an individual becomes violently aggressive, or indicates suicidal tendencies, instruments of

restraint may be used. Such actions shall be reported immediately to the commanding officer or command duty officer and medical department. Under no circumstances may an individual be chained, handcuffed, or tied to any cell fixture or stationary object. Restraints will not be continued beyond 4 hours without medical or commanding officer authorization.

2. Emergency Measures. Detailed emergency bills will be prepared to ensure the safety of detainees in the event of fire or disorder. 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. Extinguishers utilizing carbon dioxide are discouraged except when required by fire inspection/fire marshal.

3. Force. Use of force will conform to articles 3402, 4402, 4403, and 4404 of this manual.

12105. PROGRAMS

1. If detainees are to be confined in a cell for longer than 24 hours, one hour of physical exercise will be provided daily. Scheduling will depend upon the availability of supervisors and a secured space for the exercise.

2. Programs for Pretrial Confinement Facilities are the same as specified in Chapter 6 of this instruction, limited to the degree necessary by facility use level, remoteness, and command resources. Major claimants will review this area during the annual inspection to insure optimum provision of programs and to determine appropriate local requirements.

12106. RECORDS AND REPORTS

1. Log. A detention facility log shall be maintained as outlined in articles 8101.4 and 8104. When an individual is placed in detention, the log will show the reason for detention, the date and time of detention, and the name and grade of the person ordering the detention. All events of significance and daily routine will be noted in the log.

2. File. An abbreviated file shall be kept for 2 years on each person confined in a detention facility. The file will contain the following records:

a. Confinement Order (NAVPERS 1640/4).

b. Inspection Record of Prisoner in Segregation (DD 509).

c. Prisoner Inventory and Receipt (NAVPERS 1640/17).

d. Prisoner Release Order (DD 367) or Receipt for Prisoner or Detained Person (DD 629).

3. Facilities shall have standard operating procedures and post orders. See articles 3401 and 8305.

12107. ADMINISTRATIVE MATTERS

1. Processing. Personnel shall be thoroughly searched before being placed in detention. Money, valuables, and personal property (other than individual clothing and wedding rings) shall be taken from the individual, inventoried, and secured in a manner similar to procedures set forth in articles 8203 and 8204. Items which could be used to inflict bodily injury, such as belts, shoelaces, neckties, or suspenders, may be taken from the detained person if deemed necessary by the detention facility supervisor.

2. Incidents. Serious incidents or alleged incidents involving detainees shall be reported immediately to the Chief of Naval Personnel (Pers-84) or Commandant of the Marine Corps (Code MHC) as applicable. (See article 8115.2.)

SECTION 2. DETENTION POLICIES

12201. DETENTION. 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. Court-martialed personnel should not normally be placed in cells with detainees.

1. Authorization. No person shall be confined in a detention facility without a properly executed Confinement Order (NAVPERS 1640/4) or the Arresting Officer's Incident/Complaint Form (DD 1569). If the incident form is used, a Confinement Order is required when detention continues beyond 24 hours.

2. Medical Examination. If an individual appears to be ill, requests medical attention, or exhibits an abnormal loss of control because of suspected or actual use of alcohol, marijuana or other drugs, he or she shall be examined by medical personnel and certified as being fit for confinement prior to being placed in detention. Otherwise, a person may be detained for up to 24 hours before a medical examination. No person shall be detained beyond 24 hours without a medical examination as prescribed in article 7205. Any suspicion or detection of alcohol or other

narcotics will be entered in the facility's log by the detention facility supervisor at the earliest time of suspicion or detection, and a medical examination requested at that time.

3. Length of Detention. Detention in holding cells shall not exceed 24 hours, except in unusual circumstances, and then only with the express approval in each instance of the commanding officer of the installation where such a facility is located, or his or her designated representative. An individual shall not remain in detention more than 72 hours except in an emergency, nor may an individual be placed in detention for 72 hours, taken out, and returned for 72 hours, on the same charges. (See article 2101.3) The Initial Reviewing Officer Program applies to all pretrial confinements.

4. Pretrial or post-trial personnel may be confined in a holding cell for more than 72 hours under the following conditions:

a. When an individual has been sentenced to confinement by a court-martial, and is pending transfer to a confinement facility.

b. 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.

c. When a general court-martial authority deems it necessary to retain an accused locally, during progress of a court-martial, in the absence of a brig. After trial, if the sentence as adjudged includes confinement, the member shall be transferred to a confinement facility within 72 hours. The written permission of either the installation commanding officer or the general court-martial authority, as appropriate, must be obtained before an individual can be held for more than 72 hours in pretrial confinement status in a holding cell or detention space. Time spent in a detention under these circumstances is considered and counted as pretrial or post-trial confinement, as appropriate.

5. Persons of either sex may be confined in a detention facility as long as the conditions of article 7103.2 are followed.

6. 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.

12202. RELEASE. On release from detention, all money, valuables, and other personal property taken from the detainee will be returned, and receipted for by the owner. If the detainee is released to the custody of another, that person will sign a DD 629 (Receipt for Prisoner or Detained Person) and will sign for the personal property envelope. A detainee released on his or her own cognizance shall be directed to return to his or her unit, or other appropriate command, after being issued a Report of Disposition of Offense(s) (NAVPERS 1626/7), where necessary. An entry shall be made in the log to reflect the date and time of release, and the disposition of the detainee. One copy of the DD 629, Technical Arrest Order (TAO), or DD 367 as appropriate, and the receipt for personal property shall be retained on file for 2 years by the unit operating the detention facility.

12203. TRANSFER. A DD 629 (Receipt for Prisoner or Detained Person) will be used for all transfers from detention facilities to other confinement facilities. The following records will be transferred with the detainee:

1. Confinement Order (NAVPERS 1640/4)

2. Request and Receipt for Health and Comfort Supplies (DD 504)

3. Inspection Record of Prisoner in Segregation (DD 509)

4. A copy of court-martial orders designating a confinement facility as the place of confinement.

APPENDIX A

FORMS

1. In Navy brigs, some forms have been replaced by reports generated by the Corrections Management Information System (CORMIS) and provide information electronically via the Defense Data Network.

2. The following forms are available at the Naval Inventory Control Point using requisitioning procedures contained in CD ROM NAVSUP PUB 600 (NLL), Navy Stock List of Publications and Forms:

DD 173/3 (OCR) (Rev. 3-79)	Joint Messageform S/N 0102-LF-000-1730
DD 367 (Rev. 12-57)	Prisoner's Release Order S/N 0102-LF-000-3670
DD 498 (Rev. 3-64)	Prisoner's Personal History Record S/N 0102-LF-000-4980
DD 504 (Rev. 4-76)	Request and Receipt for Health and Comfort Supplies S/N 0102-LF-000-5041
DD 509 (Rev. 7-70)	Inspection Record of Prisoner in Segregation S/N 0102-LF-005-2500
DD 510 (Rev. 5-51)	Request for Interview S/N 0102-LF-005-2510
DD 629 (Rev. 3-58)	Receipt for Prisoner or Detained Person S/N 0102-LF-000-6290
DD 1476 (Rev. 4-68)	Prisoner's Admission Summary Data S/N 0102-LF-001-4760
DD 1478 (Rev. 2-64)	Prisoner Summary Continuation Sheet S/N 0102-LF-001-4780
DD 1479 (Rev. 2-64)	Prisoner Assignment and Clemency Board Action S/N 0102-LF-001-4790
NAVPERS 1626/7 (Rev. 12-88)	Report and Disposition of Offense(s) S/N 0106-LF-005-2700
NAVPERS 1640/4 (Rev. 7-82)	Confinement Order S/N 0106-LF-016-4023

NAVPERS 1640/8 (Rev. 4-78)	Conduct Record S/N 0106-LF-016-4040
NAVPERS 1640/9 (Rev. 2-82)	Disciplinary Report S/N 0106-LF-016-4047
NAVPERS 1640/10 (Rev. 11-86)	Work and Training Report S/N 0106-LF-016-4052
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 1640/19 (Rev. 9-82)	Initial Contact Sheet S/N 0106-LF-016-4098
NAVPERS 1640/24 (11-91)	Personal History Questionnaire S/N 0106-LF-013-0300
NAVPERS 5000/64 (Rev. 12-86)	Records Transmittal S/N 0106-LF-150-6403

3. The following forms may be locally reproduced at the brigs.

DD 512 (Rev. 3-64)	Installation Parolee/Minimum Custody Agreement
DD 1477 (Rev. 2-64)	Prisoner's Progress Summary Data

4. The following forms may be ordered from the General Services Administration (GSA).

SF 135 (Rev. 7-85)	Records Transmittal and Receipt 7540-00-634-4093
SF 135A (Rev. 7-85)	Records Transmittal and Receipt Continuation 7540-00-823-7952

5. The following two forms may be ordered through the Marine Corps Logistics Base, Albany, Georgia:

NAVMC 604 (Rev. 4-94)	Combined Individual Clothing Requisition and Issue Slip (Men's) (10120) S/N 0000-00-000-8613
NAVMC 604b (Rev. 5-94)	Combined Individual Clothing Requisition and Issue Slip (Women's) (10120) S/N 0000-00-000-8811

6. The following form may be ordered through the Federal Bureau of Investigation (FBI), United States Department of Justice, Washington DC 20537:

FD 258 (Rev. 12-82)	Fingerprint Card 0104-LF-400-8603

APPENDIX B

NAVY PA SYSTEMS OF RECORDS NOTICE NO1640-1
INDIVIDUAL CORRECTIONAL RECORDS

SYSTEM NAME

Individual Correctional Records
(November 10, 1993, 58 FR 59711).

SYSTEM LOCATION

United States Navy Brigs and United States Marine Corps Correctional Facilities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Bureau of Naval Personnel (Pers 84), 2 Navy Annex, Washington, DC 20370-5084.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

Military members confined in a naval facility as a result of or pending trial by courts-martial; military members sentenced to three days bread and water or diminished rations; and military members awarded correctional custody to be served in a correctional custody unit.

CATEGORIES OF RECORDS IN THE SYSTEM

Documents related to the administration of individual prisoners in the Department of the Navy confinement and correctional custody facilities - courts martial orders; release orders; confinement orders; medical examiners' reports; requests and receipts for health and comfort supplies; reports and recommendations relative to disciplinary actions; clothing and equipment records; mail and visiting lists and records; personal history records; individual prisoner utilization records; requests for interview; initial interview; spot reports; prisoner identification records; parolee agreements; inspection record of prisoner in segregation; personal funds records; valuables and property record; daily report of prisoners received and released; admission classification summary; social history; clemency recommendations and actions; parole recommendations and actions; restoration recommendations and actions; psychiatric, psychological, and sociological reports; certificate of parole; certificate of release from parole; requests to transfer prisoners; disciplinary action data cards showing name, grade, Social Security Number, sex, education, sentence, offense(s), sentence computation, organization, ethnic group, discharge awarded, length of unauthorized absence, number and type of prior punishments, length of service, and type release; weekly status report (each member's legal status, offense charged, length of

time confined). On tape, the same data as the disciplinary action data card, except name, computation of sentence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM

10 U.S.C. 951 and E.O. 9397.

PURPOSE(S)

To determine initial custody classification; to determine when custody grade change is appropriate; to gauge member's adjustment to confinement or correctional custody; to identify areas of particular concern to prisoners and personnel in correctional custody; to determine work assignment; to determine educational needs; serves as the basis for correctional treatment; serves as a basis for recommendations for clemency, restoration, and parole.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

- To Federal, state, and local law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory order.

- To confinement/correctional system agencies for use in the administration of correctional programs to include custody classification; employment, training and educational assignments; treatment programs; clemency, restoration to duty, and parole actions; verifications concerning military offenders or military criminal records, employment records and social histories.

- The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

Storage: Paper records and computerized data base.

Retrievability: Name and Social Security Number.

Safeguards: Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Computer data base is password protected.

Retention and disposal: Confinement records and reports of prisoners released or permanently transferred from the confinement facility will be disposed of as specified by SSIC 1640 of SECNAVINST 5212.5C, Navy and Marine Corps Records and Disposition Manual). Due to the frequent turnover of prisoners, files of prisoners released or transferred will be retained at the brig for 2 years and then grouped and forwarded to the appropriate Federal Records Center (FRC).

a. FRC Atlanta is the appropriate FRC for the following brigs:

(1) Ashore brigs under the area coordination of Commander in Chief, U. S. Atlantic Fleet (CINCLANTFLT);

(2) Ashore brigs under the area coordination of Commander in Chief, U. S. Navy, Europe (CINCUSNAVEUR);

(3) Ashore brigs under the area coordination of Commander, Naval Education and Training (CNET);

(4) Afloat brig on Atlantic Fleet ships;

(5) Navy Consolidated Brig Charleston; and

(6) Marine Corps brigs located east of the Mississippi.

b. FRC Los Angeles is the appropriate FRC for the following brigs:

(1) Ashore brigs under the area coordination of Commander in Chief, U. S. Pacific Fleet (CINCPACFLT);

(2) Afloat brigs on Pacific Fleet ships;

(3) Navy Consolidated Brig, Miramar; and

(4) Marine Corps brigs located west of the Mississippi.

System manager(s) and address

- Policy Officials: Chief of Naval Personnel (Pers 84), Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370-5084, and Commandant of the Marine Corps (Code MHC), Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380-0001.

- Record Holders: United States Navy Brigs and United States Marine Corps Brigs. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Bureau of Naval Personnel (Pers 84), 2 Navy Annex, Washington, DC 20370-5084.

Notification procedure

- Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the United States Navy Brig or United States Marine Corps Brigs where incarcerated. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Bureau of Naval Personnel (Pers 84), 2 Navy Annex, Washington, DC 20370-5084.

- Requests should include full name and Social Security Number and must be signed by the requesting individual.

Record access procedures

- Individuals seeking access to information about themselves contained in this system should address written inquiries to the United States Navy Brig or United States Marine Corps Brigs where incarcerated. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Bureau of Naval Personnel (Pers 84), 2 Navy Annex, Washington, DC 20370-5084.
- Requests should include full name and Social Security Number and must be signed by the requesting individual.

Contesting record procedures: The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

Record source categories: Military personnel records; military financial and medical records; military and civilian investigative and law enforcement agencies; courts-martial proceedings; records of non-judicial administrative proceedings; United States military commanders; staff members and cadre supply information relative to service member's conduct or duty performance; and other individuals or organizations which may supply information relevant to the purpose for which this system was designed.

Exemptions claimed for the system

- Parts of this system may be exempt under 5 U.S.C. 552a(j)(2), as applicable.

- An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

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